8 THE PHANTOM DOSSIER

> Having made one lie, he is fain to make more to maintain it. For an untruth wanting a firm foundation needs many buttresses.
>
> —Thomas Fuller: "The Lyer," *The Holy State, The Profane State*

The National Weather Service had issued a tornado watch from 4:00 to 11:00 P.M., central standard time, and I could see the advancing squall line on the western horizon as I drove down the Central Expressway in the Dallas rush-hour traffic. I checked into a motel just outside the downtown area and backed my car up to the door of my room. An eerie greenish glow tinged the gathering clouds, and lightening crackled above the city as I unloaded my auto trunk. My luggage included several dozen cassettes and reels of recording tape, three tape recorders, and a variety of electronic odds and ends, such as small microphones and the accessories one needs to tape record telephone conversations. And, of course, I brought the compact attaché case containing the psychological stress evaluator.

I had done about as much as I could with the tapes I'd managed to retrieve from dusty storerooms across the country. A strange and disturbing picture was emerging, but it was tantalizingly incomplete. I was now convinced that Lee Harvey Oswald had not murdered the president, yet a large (if defective) body of physical evidence and testimony had implicated him. Someone had gone to a great deal of trouble to make Oswald appear guilty, but who? The physical evidence against Oswald had been discovered by the Dallas police. Most of the witnesses who testified against Oswald were rounded up by the Dallas police. Some of the Dallas police officers spoke on the archives tapes, but they had not been asked enough of the right kind of questions. I would learn nothing more until I made some tape recordings of my own.

The tornado watch was extended until 1:00 A.M., and twisters tore through central Texas that night. Dallas was battered by high winds and severe thunderstorms. The violent Texas weather was an unwelcome omen of the danger that might still wait in this city for the outsider who happened upon a raw nerve. I knew that, during the three years following the assassination, seventeen people who had been involved in the investigation had died, some in violent and mysterious ways.[1] I had heard reports that the list continued to grow, and I planned to take every precaution to keep my name from being added to it. In the morning the skies cleared, and after a few hours' sleep I went out and began to build my cover.

It was May 1973, and my cover was that of a journalist working on a magazine piece to commemorate the upcoming tenth anniversary of the assassination. I was in Dallas to talk to those who remembered the event and to discover what, if any, lasting impact it had made on the city. I had a large camera bag slung over my shoulder, and around my neck dangled an impressive looking camera, an extra lens, and a small cassette recorder. My costume complete, I went down to Dealey Plaza and spent the day taking pictures and interviewing the tourists.

I had seen it once before, but still I felt a shock as I came upon the scene. One passes in front of the older buildings that stand along Elm Street on the western edge of the downtown section. Suddenly, one of the grim old hulks sparks a flash of recognition, the face of a famous murderer seen unexpectedly in a crowd. The Texas School Book Depository stands on the edge of Dealey Plaza, virtually unchanged during the past decade. It is empty now, locked up, and a sign warns off the curious. The vacant windows stare blindly out over the corner of Elm and Houston Streets, but the big Hertz Rent-a-Car sign on the roof still flashes the time and temperature. Below, a continuous stream of traffic passes over the spot where John Kennedy received his mortal wounds and moves past the grassy knoll, then through the triple underpass. Life and history go on, but when a sudden pause in the flow brings stillness to Dealey Plaza, there is a deep unquiet about the place.

In the Dal-Tex Building, across the street from the book depository, I found something called "The John F. Kennedy Museum." Inside there were exhibits, mainly blowups of front pages carrying

news of the assasination, but there was also a Mannlicher-Carcano rifle mounted on the wall. The "museum" presented a color-slide show, with taped narration through a public address system, and a scale model of Dealey Plaza with little lights that went on and off at the right moments. Admission was $1.50 for adults, $.75 for children, and the brochure said that group rates were available on request. In the lobby there was a counter where picture postcards and commemorative ashtrays were sold. I interviewed the proprietor. He didn't trust me, but his principal worry seemed to be that I would take some unauthorized photographs in his establishment. Outside on Houston Street, a bus had unloaded a group of tourists, and business began to pick up. I left.

For the next week I continued to build my cover. I made repeated attempts to obtain an interview with the mayor, who had been a local television newsman at the time of the assassination. I had less interest in meeting him than he had in talking to me, and my efforts were fortunately ineffective. However, I got to repeat my name and story often enough to his secretary that, I assume, it had a chance to percolate throughout City Hall.

I obtained an interview with someone at the Dallas Chamber of Commerce. As it happened, he was a newcomer to Dallas who hadn't lived there in 1963. I walked into his office, shook his hand, and unharnessed myself from the dangling camera, tape recorder, and other paraphernalia. Of all the subjects I interviewed in Dallas, only he objected to having his remarks tape recorded. I was happy to spare the recorder's batteries, since the purpose of my visit was to plant my story and ask enough stupid questions to create the impression that I was harmless. I hoped that he would soon be repeating his account of the interview in some of Dallas's more fashionable watering places.

I interviewed Jesse Curry, former Dallas police chief, not because I suspected that he had any guilty secrets about the assassination, but because his prominent historic role in the event made him a logical subject for someone with the objective I claimed to have. Curry himself has raised public questions about the Warren Commission's case against Oswald,[2] a strong indication that he has no personal interest in the cover-up. And at the time of the shooting, he was riding in the motorcade immediately in front of the presidential

limousine, hardly an intelligent choice of positions for anyone who knew that there was to be rifle fire from the book depository.

In any event, Curry's information could hardly have much bearing on the evidentiary matters in the case against Oswald. He was not an active participant in the investigation, which was supervised by Capt. Will Fritz, the head of the Dallas homicide and robbery bureau, and most of the legwork was done by Fritz's people and members of the identification bureau, working under the direction of Capt. George Doughty. Curry was at Parkland Hospital immediately after the assassination, then he accompanied Vice-President Johnson to the airport and stayed there during most of the afternoon. He was briefly present from time to time during the interrogation of Oswald, but he did not play a major role in the questioning. As would be expected, his principal task during that weekend was that of a police administrator dealing with the press, local officials, and the FBI and Secret Service. Because he was a witness to history, Curry is an interesting man to talk to, but the real value of my interview developed when, without any prompting, he suggested that I talk to some of the people who were already on my list. I had been worried that my cover story might seem insufficient reason to look them up. When I finally did, I told them that I had been referred by Mr. Curry, secure in the knowledge that he would confirm this if they happened to check.

I took some time out from my role playing to make contact with a few of the private assassination researchers in the Dallas area. This had to be done discreetly, and I drove to our meetings by circuitous routes, making frequent u-turns to clear my rear-view mirror. I was impressed by the courage and dedication of these people who continue to search for the facts at the scene of the crime. I was surprised to discover that they are typical Dallas citizens, boosters of Texas in general and Dallas in particular. Most are clearly to the political right and tend to view the assassination as a Communist conspiracy, but above all they want the truth to be known, regardless of the consequences.

One researcher, a woman who lives in a Dallas suburb, has amassed the largest collection of books, files, photographs, and other assassination materials I have seen. She stores the collection in an outbuilding

behind her house, guarded by a pair of huge, snarling dogs which she held at bay with a broom while I scurried from her back door into her library. I asked her if she had any sound recordings relating to the assassination. She produced several, the most interesting of which was a radio interview with Officer Gerry Hill recorded during the afternoon of November 22.

Hill is the ubiquitous police sergeant who was in the book depository supervising the discovery of the rifle shells a few minutes after the shooting, next was in the second squad car to arrive at the scene of the Tippit shooting, and then a few minutes later was one of the policemen who dragged Oswald out of the Texas Theatre. I had already turned up hard stress in his account of finding the shells on the CBS tapes, so I was particularly interested in this interview, and I made a copy of it.

After another nervous trip past the snarling guard dogs, I brought the tape back to my motel room and analyzed some of Hill's statements with the PSE. He showed a fairly high general level of stress, so it was difficult to draw any firm conclusions from the charts. However, several of the statements Hill made were interesting in themselves. One pertained to the revolver alleged to have been in Oswald's hand when he was arrested in the theater, the same weapon linked to the Tippit shooting:

> INTERVIEWER: What kind of weapon did he use to kill the officer with, Gerry?
>
> HILL: A thirty-eight snub nose that was fired twice, and both shots hit the officer in the head.

Officer J.D. Tippit had been killed by four bullets[3], but Hill might not have known this at the time of the interview. He had been at the scene of the Tippit shooting, but the body had already been removed when he arrived, according to his own testimony before the commission.[4] But what Hill should have known was whether or not there were any spent shells in the gun's cylinder, since it was in his possession from the time of Oswald's arrest until he turned it in at headquarters. In Hill's arrest report, he wrote:

> As Officer Carroll started to get into the car, he pulled a snub-nosed revolver from his belt and handed it to me. He stated this

> was the suspect's gun and that he had obtained it from Officer McDonald immediately after the suspect was subdued. When the pistol was given to me, it was fully loaded and one of the shells had a hammer mark on the primer.
>
> I retained this gun in my possession until approximately 3:15 P.M., Friday, November 22, 1963, when in the presence of Officers Carroll and McDonald, I turned the weapon over to Detective T. L. Baker of the Homicide and Robbery Bureau . . . I marked the side of the casing on all the shells, which were also turned over to Detective Baker at the same time.[5]

If any doubt remains that Hill meant live ammunition, it is dispelled by his testimony before the commission:

> BELIN: Now, you said as the driver of the car, Bob Carroll, got in the car, he handed this gun to you?
>
> HILL: Right, sir.
>
> BELIN: All right, then, would you tell us what happened? What was said and what was done?
>
> HILL: Then I broke the gun open to see how many shells it contained and how many live rounds it had in it.
>
> BELIN: How many did you find?
>
> HILL: There were six in the chambers of the gun. . . .[6]

There follows a lengthy colloquy between Hill and the commission counsel in which the bullets are produced and examined by Hill, who identifies them as the ammunition he removed from the revolver. From the exchange, there is no doubt that they are talking about six live rounds. Hill had custody of the weapon, opened it in the car on the way to police headquarters and inspected the shells, then later marked them as evidence. Yet in the radio interview conducted no more than a few hours later, Hill said that the gun had been fired twice, which could only mean that the revolver had been found to contain two spent shells.

I charted Hill's statement on the PSE. The words "A thirty-eight snub nose that was" showed moderate-to-good stress; the words "fired twice" showed good-to-hard stress.

The revolver alleged to have been found in Oswald's possession was never linked to the Tippit murder with complete certainty. The FBI

ballistic expert reported that he could not positively identify the bullets removed from the policeman's body as having been fired by the weapon, although another expert was willing to say that one of the four had come from that gun.[7] The commission relied on the fact that four spent shells found in some shrubbery near the scene of the Tippit shooting were positively matched to the revolver. Since the weapon was a revolver, the shells could only have gotten there if the weapon had been unloaded. A fleeing murderer might stop to reload his gun (although, if the revolver had been fully loaded before the Tippit shooting, two live rounds must still have been in the cylinder), but why would he hide the shells in nearby bushes, where the police would be sure to search? If the police lab had been able to link the slugs to the weapon, hiding the shells would be pointless; if it could not, leaving the shells behind would be foolhardy. Like the rifle "hidden" in the book depository, the spent shells seemed to have been put deliberately where they would be found after a brief search.

Hill clearly had not gotten the accurate details of the Tippit shooting at the time of his radio interview, since he reported that Tippit had been hit twice, not four times. But there should have been no confusion in his mind regarding the ammunition in the revolver, because he examined it and scratched his initials on each round. Why would he claim only a short time afterward that the gun had been fired twice but later testify that he had found six live rounds in the cylinder?

I wondered if the policeman interviewed on the tape was the same man who had testified to the Warren Commission. It was. The interviewer introduced him as Sgt. Gerald Hill, Dallas Police Department." And the voice on the radio interview tape was the same as that of the Sgt. Gerald Hill who appeared on the CBS tapes. It is a voice that I can now personally identify, because while I was in Dallas, I twice tape recorded interviews with Gerald Hill.

Hill is now a lieutenant in the Dallas Police Department. I reached him by calling the main police number, told him my story, and asked if I might interview him. He was agreeable and cooperative, suggested that we meet in the police station, and gave me detailed directions for getting there. As I drove to the meeting, I discovered that Lieutenant Hill works out of a station in an industrialized,

semighetto area of South Dallas, rather than the downtown headquarters.

Hill is a short, stocky, balding man in his middle forties. He seemed pleasant and friendly and proved to be quite articulate. I knew that he had served on the force since 1958, before that had been radio-television editor for the Dallas *Times Herald*, and worked as a newsman in the Dallas bureau of a Fort Worth television station. Hill is far from the stereotype of the gruff, taciturn Southern cop.

Hill came out into the tiny lobby of the station to greet me and ushered me inside to a small desk in a corner of the station. As I unloaded my recorder and other paraphernalia, I realized I was going to have a problem. The large, open area was filled with clusters of patrolmen, detectives, complainants, and suspects, and the chatter of a dozen separate conversations was loudly audible. Overhead on the wall, a public-address system was carrying the radio transmissions between the police dispatcher and the squad cars. Just to make things complete, someone was playing a radio tuned to a local rock station. The noise level was about that of a boiler factory.

Hill made no objection to my recording the interview, but I doubted that the resulting tape would be very useful for PSE processing. The recorder I was using was one of the very sensitive kind that will pick up a whisper across the room; PSE analysis is most reliable when the tape contains a strong, clear signal. The microphone I brought was omnidirectional, so I knew that it would pick up everything in the room and record it on top of Hill's voice. When I listened to the tape later that day, I discovered that things were even worse than I expected. On the recording the background noise sounded even louder than it did in the police station, and a few of Hill's words were completely drowned out by it. There were several lulls in the din where PSE analysis was possible, however. And some of the most interesting results of the interview didn't require any stress processing. There was, for example, the matter of Gerald Hill's involvement in the CBS television documentary that had provided me with so much material.

The program, which was produced in 1967 and consisted of four one-hour segments broadcast consecutive nights, was called a "CBS News Inquiry" and attempted to investigate the major disputed

points of the Warren Report. It was narrated by CBS newsmen Walter Cronkite and Dan Rather and reached the same basic conclusions as the Warren Report: Oswald was the assassin, and he acted alone. When it was broadcast during prime viewing time on the CBS television network, the program probably reached more people than the Warren Report and all of the dissenters combined. Critics of the Warren Report were, of course, unhappy with this mass-media endorsement of the official account, and both Josiah Thompson and Mark Lane devoted parts of subsequent books to refuting the arguments made in the CBS program.[8] But none knew that one of the Dallas policemen who played a central role in the events of November 22 had acted as technical adviser to CBS News when it produced the program.

The matter came out when I asked Hill if he had any doubts about the official explanation of what happened. He didn't answer directly but gave a long, circumlocutious reply saying, in effect, that Jack Ruby had denied the police the chance to present their evidence in court and settle the matter once and for all. Then he said:

> I think probably the most thorough and convincing incident that I have been a party to after the assassination was after the Warren Commission Report came out, the four-hour special that CBS did either proving or disproving the contested points of the assassination. They probably did more research into it than anybody ever has. . . . I worked with them for something like five or six weeks on this thing, and, had I not been convinced before, I would have been then.

It would have been interesting to know if Hill took five or six weeks leave to assist CBS or if he had been assigned to the task by the police department, but I thought it better not to ask. Of course, I don't know exactly what role Hill played in producing the program, and it would certainly be logical for the Dallas authorities to assign the personable television newsman turned cop to help the New York TV people in the interest of good public relations. But, considering the many suspicions that had been voiced regarding the Dallas police, it seems strange that broadcast journalists undertaking a full-scale investigation of the assassination would use a Dallas policeman as a technical adviser, if that was, in fact, his function.

The most interesting thing Hill said during the interview was that the Texas Department of Public Safety had compiled a dossier on Lee Harvey Oswald before the assassination. The matter came up when I asked him if he had known Oswald before the event:

> HILL: He was a statistic as far as we were concerned. We had a rather tight surveillance on some people who we suspected would be capable of doing something like this, and we received this information from the Secret Service and the FBI. We did not have any information on Lee Harvey Oswald from either source. But, immediately after the arrest, and after bringing Oswald to the station, we were in contact with the intelligence unit in the Department of Public Safety. They called us and asked us who the suspect was we had. And we told them what his name was. They immediately knew all about him and said this was one man we should have known about.
>
> O'TOOLE: This was the Dallas Department of Public Safety?
>
> HILL: No, the Texas Department of Public Safety.
>
> O'TOOLE: The state police, then.
>
> HILL: State intelligence. But we had no prior knowledge of the man at all. Although the FBI had contacted him while he was here, but the FBI knew he was here. The FBI had prior contact with him.
>
> O'TOOLE: I was misinformed. I thought that you had known him before.
>
> HILL: The only one I knew before was Jack Ruby.
>
> O'TOOLE: Oh, then that's how I got it confused—you knew Ruby.

Despite the background noise, I was able to chart parts of this statement and found good-to-hard stress in Hill's account of the Department of Public Safety's call and the phrase, "they immediately knew all about him." The story seemed manifestly implausible to anyone familiar with the ways of bureaucracies in general and intelligence services in particular. As Hill said, the FBI did know of Oswald before the assassination and received severe criticism from the Warren Commission as well as the Dallas police authorities for not having

made their information known to the Secret Service and the police. If the Texas state police had a dossier on Oswald, kept it to themselves, and then found out that the man was the prime suspect in the assassination, they would have been more likely to have shredded the file on the afternoon of November 22 than to have called the Dallas police and announced that they had known all about Oswald. Yet if Hill was telling the truth, it cleared up one of the more serious questions about the case: the indications that the Dallas police knew of Lee Harvey Oswald well before the assassination.

If Oswald was framed for the murder of President Kennedy, then someone would have to have selected him for the role some time before November 22. Many skeptics have speculated that Oswald was selected from the Dallas police subversive files. But all of the Dallas police authorities stoutly denied that they had a file on Oswald or had even heard of him. On the CBS tapes in answer to the question, former Chief Curry said, "No, sir, we did not have any information on this man in our criminal intelligence file, and that's normally where it would have been."[9] And Capt. W.P. Gannaway, head of the special service (intelligence) bureau said, "The first time I heard the name Lee Harvey Oswald was on the afternoon of the 22 of November, 1963."[10] The PSE showed low levels of stress in both statements.

Yet on the afternoon of November 22, Lieutenant Revill of the special service bureau wrote a memorandum to Captain Gannaway about a conversation he had just had with an FBI agent concerning Oswald. Revill headed the memo, "Subject: Lee Harvey Oswald, 605 Elsbeth Street."[11] Oswald never lived at that address, but he had lived at 602 Elsbeth. However, he had not lived at the Elsbeth Street address since March 1963, a fact that the FBI agent, James Hosty, had established months earlier.[12] If the police did not have a file on Oswald, where did Revill get the Elsbeth Street address?

That question was asked of Lieutenant Revill by Allen Dulles when the policeman appeared before the commission, and he replied that he had gotten it from one of two detectives.[13] Dulles asked him to find out where they got it, but, as Meagher points out, there is no record in the twenty-six volumes that the commissioner ever received an answer.[14]

The mystery is deepened by another memorandum written by the

Dallas police on November 22. It was addressed to Captain Gannaway and signed by Detectives Westphal and Parks.[15] The memo is headed, "Subject: Texas School Book Depository, 411 Elm," and begins, "The following is a list of the names and addresses of the employees of SUBJECT location." There follows a list of fifty-six names, most with an accompanying address, and twelve with the handwritten notation, "not home." The first name on the list is "Harvey Lee Oswald," and his address is listed as 605 Elsbeth.

The Revill memorandum and the Westphal and Parks memorandum both contain an eight-month-old address, and both have the same error in the street number. Both had to have come from the same source, but what was it?

The source was not the records at the Texas School Book Depository. The depository manager, Roy Truly, who had first called Oswald's absence to the attention of the police, testified that he had given them the address Oswald had listed on his employment application, the Irving, Texas, home of Mrs. Ruth Paine, with whom Marina Oswald was staying at the time.[16] Possibly, the 605 Elsbeth address originated through a misreading by the police of a library card Oswald is alleged to have had in his wallet when he was arrested, issued when he lived on Elsbeth Street. But there were other identification cards reportedly found in that wallet and at least one other address. More importantly, one of the FBI agents who attended Oswald's interrogation reported that Oswald freely revealed his correct current address, the rooming house in Oak Cliff.[17] Why then would Revill, Westphal, and Parks refer to a library card for their information?

If I could believe Hill's story about the call from the Texas Department of Public Safety, then this would provide a plausible explanation for the mystery. If the state intelligence agency had been keeping a dossier on Oswald, they might have had an out-of-date and slightly erroneous address which they gave to the Dallas police intelligence at about the time the two memoranda were written. On the other hand, the story could have been contrived precisely for the purpose of tying up both this loose end and possibly others that I was unaware of. I felt that I had to ask Hill about it again under better circumstances for PSE analysis.

I called Lieutenant Hill at home in the evening at the end of a long

weekend. The telephone is ideally suited for PSE work, since the quality of sound transmission in a normal connection will carry a clear reading of stress, if it is present, and background noises are of a much lower volume and can be easily separated from the speaker's voice. By calling Hill at home, I avoided the pressure-cooker atmosphere of the police station, which might produce extraneous stress.

Hill was again friendly and cordial. I said that I wanted to check with him on a couple of points and that I was especially interested in any psychological data that anyone may have compiled on Oswald:

O'Toole: You got some information on Oswald the night of the assassination from the Texas Public Safety Department?

Hill: Texas Department of Public Safety. That was late the afternoon after we got back to the station with him.

O'Toole: Uh huh. And this was the first that you'd had any information on him at all, right?

Hill: Right, uh huh.

O'Toole: Now did they have anthing in there suggesting he might be pathological?

Hill: No, they said he was capable of it, you know, that, ah, they had a dossier on him in Austin. And that he was certainly capable, and he should have been one of the ones we had under surveillance, anyway.

The story was becoming increasingly implausible. A subversive is one thing, but a potential presidential assassin is an entirely different matter. Special Agent James Hosty, the FBI man who had been handling Oswald's case, told the commission that when he heard that Oswald was charged with the assassination, he felt "shock, complete surprise," because, "I had no reason prior to this time to believe that he was capable or potentially an assassin of the President of the United States."[18] While there seem to have been no precise criteria for identifying a potential assassin, it is clear from Hosty's testimony that such a person would have to have a record of violent acts or, at least, threats of such acts. Apart from the alleged attack on General Walker of which the Texas Department of Public Safety presumably knew nothing, there was nothing in Oswald's background to meet those criteria.

PSE analysis of my telephone conversation with Lieutenant Hill did nothing to add credence to his story. Hill showed moderate-to-good stress during the introductory portion of our chat, but the stress went right up to hard and remained there during all of his statements regarding the Texas Department of Public Safety's dossier on Lee Harvey Oswald.

Still, the fabrication of such a story out of whole cloth seemed such a brazen act that I couldn't believe someone would attempt it, even if I had given mighty encouragement through my fumbling facade. It was, at the same time, both flattering and humiliating to think that I had succeeded in appearing so stupid. But, of course, the contents of an intelligence agency's files can be a difficult matter to verify. I drove to Austin to see what I could do.

By means which are rather too sensitive to be recounted here, I was able to obtain an informal indication that no such Oswald dossier had existed in the files of the Department of Public Safety before November 22, 1963. In hope of obtaining a more formal statement, I wrote to Col. Wilson E. Speir, director of the Texas Department of Public Safety, and put the question to him. Colonel Speir replied (to the pseudonym I used) and informed me that the matter "was within the jurisdiction of the Dallas authorities and the Federal Bureau of Investigation. It may be that you would want to correspond with those agencies."

I thought it wiser to defer the matter for a while. After I returned from Dallas, I wrote to Mr. Clarence M. Kelley, the director of the Federal Bureau of Investigation, and asked him about it. Director Kelley wrote back and said, "We are not in a position to comment whether the Texas Department of Public Safety did or did not have a file on Lee Harvey Oswald." Mr. Kelley explained that while the assassination had been within the Bureau's jurisdiction, the investigation was closed and the results had been turned over to the Warren Commission. He suggested I try the National Archives.

This was excellent advice. A telephone call to the National Archives set one of its diligent researchers in motion, and within twenty-four hours I was provided with a copy of an FBI report that I'm sure hadn't seen the light of day in ten years. The report settled the matter.

On November 30, 1963, Special Agent H.T. Burk of the FBI went to Austin to check on precisely this question, because there had been newspaper reports that the state agency had a large Oswald dossier. Burk reported that he interviewed Mr. O. Newt Humphreys, Jr., agent-in-charge, intelligence section, Texas Department of Public Safety and was "advised the only information in their file relative to LEE HARVEY OSWALD are four newspaper clippings."

Burk listed the four clippings. Three of the stories concerned Oswald's defection to the Soviet Union and were written while he was abroad. The fourth, headlined "Mate of Turncoat is Unknown to Mother," was apparently written after his return. All were from Fort Worth newspapers. In the interest of thoroughness, I tried to obtain copies of the clippings to see if they contained anything that might suggest Oswald was capable of a presidential assassination. I managed to get three of them, and they contained no reports of violence or threats of violence on the part of Oswald. I was unable to get the last item from the newspaper because, apparently, the publication date recorded in the FBI report, November 2, 1963, was in error. However, I managed to track down the reporter, Mr. Kent Biffle, who I found had moved to Houston and was on the southwestern bureau of *Newsweek*. He told me that he recalled the story, and there was nothing in it to suggest that Oswald was a violent person.

According to the FBI report, the Texas authorities had been emphatic:

> HUMPHREYS advised no actual investigation whatsoever was conducted relative to life of LEE HARVEY OSWALD prior to assassination of President JOHN F. KENNEDY November 22, 1963, and none has been conducted since that time by Texas Department of Public Safety.
>
> The above [four clippings] constitutes the only information in Texas Department of Public Safety files relative to OSWALD and HUMPHREYS pointed out that Colonel HOMER GARRISON, Director, Texas Department of Public Safety, Austin, Texas, has instructed him to furnish any pertinent information coming to the attention of Texas Department of Public Safety to the FBI immediately which he will do.
>
> GARRISON endeavored to determine the origin of the newspaper stories that Texas Department of Public Safety "had an extensive file on Oswald," but was unable to trace the source of such a story.[19]

Eleven years have passed, and Colonel Garrison, wherever he is, probably no longer wonders about "the source of such a story." But if he does, I can offer him a very likely suggestion.

9 THE MYSTERIOUS MR. HIDELL

I cannot tell what the dickens his name is.
—*The Merry Wives of Windsor,* Act III, Scene 2.

Approximately seventy-five minutes after a president of the United States was assassinated in downtown Dallas, a force of at least fifteen law-enforcement officers burst into a motion-picture theater in another part of the city to make an arrest. The small army of policemen included several uniformed officers, several plainclothes detectives, two police captains—including the chief of police personnel—and an FBI agent. With service revolvers drawn and shotguns at the ready, the officers stopped the film, turned on the house lights, and began to search the theater. By their own account—those of the fifteen who testified before the Warren Commission—they were not looking for a presidential assassin; they had converged on the Texas Theater because a clerk in a nearby shoestore had reported a suspicious character entering the theater, and they believed that this person might be the killer of Officer J.D. Tippit.[1]

Several of the policemen reportedly struggled with Lee Harvey Oswald, wrested a thirty-eight caliber revolver from his grasp, and subdued him. Oswald was led from the theater in handcuffs past a surging mob that seemed ready to lynch him and put into a police car. There were five police officers in the car with Oswald as he was brought back to police headquarters—Bob Carroll, C.T. Walker, K.E. Lyons, Paul Bentley, and the ubiquitous Gerald L. Hill. Hill told me about the ride to the police station:

> As I say, in the car on the way downtown, he was belligerent, he was surly, he wouldn't tell us who he was. We took his billfold out of his pocket, and we found the ID in both names, Oswald and Hidell, that he later was proved to have ordered the gun under. He had library cards and draft cards in one name, and he had identification cards from various organizations in the other name.

Hill told me, as he told the commission, that during the ride neither he nor any of the other four officers were able to identify their captive, because he was carrying identification as both Lee Oswald and Alek Hidell, and he wouldn't tell them which of the two he was. Hill's account of removing Oswald's billfold and finding the identification occurred during a relative lull in the background noise during my interview with him in the police station. I was able to chart it on the PSE.

"We took his billfold out of his pocket" begins with virtually no stress, but reaches good stress on the word "pocket." Stress reaches the good-to-hard level during, "we found the ID in both names, Oswald and Hidell," and remains there during, "He had library cards and draft cards in one name, and he had identification cards from various organizations in the other name."

This was interesting. I replayed the tape of the radio interview with Hill recorded on the afternoon of the assassination. He had given the newsman a long and fairly detailed account of the arrest, including the following remarks about Oswald:

> The boy that we apprehended for shooting Officer J. D. Tippit is an employee of the book factory where the shots that killed the president were fired from. He was seen on the floor below the window where the shots were fired some fifteen minutes prior to the shooting. He was a former U.S. Marine marksman who defected to Russia in 1957 and returned to the United States approximately a year ago with a Russian bride, I understand . . . he won't admit anything other than he was a Communist. He started screaming "brutality" as soon as we got the handcuffs on him, and when he got down here and was talking to Fritz, the only thing he said is, "When I told you I was a Communist I told you

everything I'm going to tell you," or words to that effect, and, "I want a lawyer, I demand my rights."

Hill went on to describe the trip to the police station, saying that Oswald had been arrogant, had refused to admit anything, had refused the officer's suggestion that he hide his face from the photographers, did not appear nervous, and made threats against the officers. It was during this interview that Hill made the reference to "a thirty-eight snub nose" revolver that the police had taken from their captive.

Hill's radio interview sounded like a preliminary brief for the prosecution. He related all kinds of incriminating details about Lee Harvey Oswald, but he left out something that he might be expected to emphasize: the discovery of forged credentials in Oswald's possession. Hill made absolutely no mention of finding the "Alek Hidell" identification on Oswald. It seems very strange that in such a detailed account of the arrest, made less than a few hours after the incident, Hill would omit such a significant point.

In the supplementary volumes of the Warren Report, I found the transcript of another broadcast interview with Gerald Hill on November 22, 1963. In this one, the subject of the contents of Oswald's wallet is raised by Hill, who tells the newsmen, "The only way we found out what his name was was to remove his billfold and check it ourselves; he wouldn't even tell us what his name was."

Later in the interview a reporter asks, "What was the name on the billfold?" Hill replies, "Lee H. Oswald, O-S-W-A-L-D."

And that was all. Hill didn't refer even obliquely to finding any false identification.[2]

I decided to talk to one of the other four police officers who were in the car on the trip to the police station. I asked Hill if he happened to know where I could find them. I was surprised to learn that three of them—Carroll, Lyons, and Walker—were working out of the same South Dallas station. "Through the years we've been in various parts of the police department," said Hill, "and yet now four of us are working out of the same station—four out of the five."

It was all a bit too clubby for my peace of mind. If I interviewed one of the other three, I was sure he would soon compare notes with

Hill, and my real interests might become apparent. I decided to call on Paul Bentley instead. Fortunately, Bentley was one of the people Jesse Curry had suggested I talk to.

Seated behind a large desk in his spacious office at the First National Bank of Dallas, Bentley told me that he had taken early retirement from the police department five years before and had joined the bank as director of security. Some of the local assassination researchers had expressed their suspicions to me about Bentley's sudden step up in the world. On meeting him, however, I found him very plausible in the role of senior banking executive, and I would not have been surprised if he had been introduced as the bank's president. If there is anything remarkable about Bentley's career, it is that he was occupying so junior a position on the police force only a few years ago.

Bentley is a trim man, perhaps in his early fifties. Like Gerald Hill, he was pleasant and articulate. Unlike Hill, he seemed somewhat aristocratic. I knew that Bentley had been the senior polygraph operator on the Dallas police force and that he was well known in Texas polygraph circles. I had heard that he had a reputation as a very astute interrogator, and I had been warned to be careful.

At the time of the assassination, Bentley worked in the police identification bureau, which was directed by Capt. George M. Doughty.[3] He was assigned to the bureau's crime scene search section under Lt. J.C. Day. Bentley told me how he happened to be at the Texas Theatre that day:

> It so happened that Captain Doughty, who was my captain at the time, was going to the scene of the Tippit shooting and asked me to accompany him out there. He was going out to dust the police car for fingerprints. And we were at the scene of the Tippit shooting when we got the radio message that this particular person fitting the description of Oswald entered the Texas Theatre.

He continued to recount his trip to the theater, participation in the struggle with Oswald, and the trip back to police headquarters.

> BENTLEY: Gerry Hill, I think, was driving, and another officer or two in the front seat. We proceeded to bring him back to the

City Hall. Bear in mind that at the time we made our arrest, the only thing we knew as far as this individual was concerned was the fact that he had shot Tippit. We had no information that he was the man who actually committed the assassination of the president until we radioed in that we had a prisoner and gave the names. And I say names, this was taken from his wallet. He used several different names, as you know. But we gave the names. This was when they told us that he was a suspect in the assassination of the president. So we were instructed to bring him directly to Captain Fritz, who was in the homicide and robbery bureau.

O'TOOLE: He had the names of both Oswald and Hidell?

BENTLEY: Right, right.

O'TOOLE: Both of those identifications?

BENTLEY: Seems to me like he was using another name, also. I can't remember. I've got all this stuff at home. I'm not sure. There were several names that he was using on various types of cards, and then we gave the names to the dispatcher who was instructed to bring them to Captain Fritz.

Bentley also described taking the wallet from Oswald: "When I asked for his identification—of course he was handcuffed—he said, "If you want it, take it yourself." He leaned over and I took his wallet from his hip pocket. This was the end of his conversation. He did not say another word all the way to City Hall."

When I ran the tape of this interview on the PSE, I observed that Paul Bentley showed no stress in most of his statements. However, maximum hard stress developed on the words "Bear in mind" and continued throughout his statement that he and the other officers had known nothing beyond Oswald's alleged involvement in the Tippit shooting. There was hard stress both in his statement that Oswald used several names and in his repeated confirmation of this point in answer to my questions.

Bentley's statements, "we radioed in and gave the names," and, "This was when they told us that he was a suspect in the assassination of the president," showed hard stress. According to the Warren Report, Captain Fritz returned to police headquarters at 2:15 P.M. and told a detective to go to Oswald's Irving address and arrest him,

and Gerald Hill, who was standing nearby, approached Fritz and informed him that Oswald was already in custody.[4] In other words, the official account claims that the arresting officers did not know that Oswald was the suspected assassin until after they got him back to headquarters. This is also what Hill told the commission and what he told me. But the Bentley revision, which is fairly elaborate, has the officers in the police car transmitting the Oswald and Hidell names to Captain Fritz by radio and then receiving a message telling them that Oswald was the suspected assassin and that he should be brought directly to Fritz.

Bentley added yet another revision to the official story while describing the behavior of the angry mob outside the Texas Theatre: "So the people apparently connected it and, I guess, due to the excitement and tension, we never even thought about whether this would be connected with the assassination. We had no knowledge as to why Tippit was shot, at the time, but we do know that his fingerprints were taken off the passenger side of Tippit's car."

Bentley's knowledge of whether Oswald's fingerprints were found on Officer Tippit's police car can only be hearsay, since he does not claim to have dusted the car himself. But Bentley's information should be extremely good hearsay: by his own account he went to the Tippit shooting scene with Captain Doughty to dust the car for fingerprints, although he continued on to the theater to assist in arresting Oswald. There were only seven other officers in the crime scene search section,[5] and we might expect Bentley to know whether Oswald's prints were found on Tippit's car.

The patrol car was dusted for prints by Sgt. W.E. Barnes, who told the commission, "There were several smear prints. None of value,"[6] and again, "No legible prints were found."[7] I don't know why Paul Bentley told me that Oswald's fingerprints were found on the car, but when I analyzed the statement with the PSE, I found good stress. It may be that once more I had given the impression I was someone who didn't do his homework.

But my principal reason for talking to Paul Bentley was the question of the Hidell identification, so several days after our face-to-face interview, I decided to telephone him and ask about the matter a second time.

O'Toole: I wonder if I might take a few more moments of your time on the telephone just to go over a couple of points with you.

Bentley: Surely.

O'Toole: At the time of the arrest of Oswald, you were in the back seat of the automobile with him——

Bentley: When we brought him to the City Hall, yes.

O'Toole: Right. Now you were sitting to his left?

Bentley: Right.

O'Toole: OK. And you asked about his identification, and he invited you to take his wallet from his pocket, and he leaned over and let you do so?

Bentley: Right.

O'Toole: Now, which pocket was his wallet in?

Bentley: Left rear pocket.

I tried to set this up as closely as possible to a structured examination. That Bentley was sitting to Oswald's left in the back seat of the police car is fairly well-established, and when I charted this interview on the PSE, his confirmation of this point showed only moderate stress. However, when Bentley replied to my question about Oswald inviting him to take the wallet, the word "Right" took on good stress. When he said the words "left rear pocket," the stress went all the way to hard. I wondered if Oswald had even been carrying a wallet.

I knew that the details I was asking Bentley about were out of character, so I decided to do a little work on my cover story.

O'Toole: It was in his left rear pocket. This is very interesting. I've been looking into the background of Oswald, and he came into this world left-handed——

Bentley: I see.

O'Toole:——But his teachers and his mother trained him to be right-handed, and this was a source of conflict.

Bentley: Well, he of course was handcuffed at the time, and he certainly would have a hard time getting it out with either hand.

O'Toole: With either hand, of course. But what's interesting to me is the fact that he carried his wallet in his left-hand pocket.

Bentley: Left rear pocket.

Once again the stress on the words "Left rear pocket" was maximum hard.

O'Toole: Left rear pocket. Well that is interesting, because, as I say, it has something to do with the psychological makeup. He had been trained to be right-handed, and I would expect that——

Bentley: The gun was in his right hand.

Bentley had interrupted, but I stopped speaking and his words, "was in his right hand" could be charted. They contained good-to-hard stress. I continued with my story.

O'Toole: In a normal frame of mind I would have expected it to be in his right-hand pocket, and this kind of supports my idea that there was a kind of dual personality here.

Bentley: I see, yes.

As a cover for inquiring so persistently about the Oswald-Hidell identification, I had concocted a bit of pseudopsychological rubbish in the form of a theory that Oswald might have been suffering from schizophrenia. The stess in Bentley's "I see, yes" dropped to moderate.

O'Toole: Now the identification that he had, though, he had both Hidell and Lee Harvey Oswald?

Bentley: Yes, and if I'm not mistaken, he had some identification by the other names on him, but I can't remember offhand what the names were. Seems to me like there was three or four different names that he had in there.

Bentley's voice showed hard stress once again.

Bentley's reference to Oswald's having identification in names, besides Hidell is another surprising revision of the official account, which reports only the Oswald and Hidell identifications as being found in Oswald's wallet.[8] The Warren Report states that Oswald had rented his room in Oak Cliff under the name O.H. Lee, but there is no reference to finding identification in that name. Perhaps the Lee alias confused Bentley's recollection, and he believed that such identification had been in the wallet. But Bentley was the policeman who

confiscated the wallet and examined its contents, and it is surprising that he would be confused about a major detail of the most important police case he ever worked on. And then there is the matter of the hard stress in his account.

O'Toole: OK, well, that's one point. Here's another point: as I recall, you first heard that he might be the assassin over the police radio——

Bentley: Right, as we were bringing him in.

This showed good-to-hard stress.

I had half-expected that Bentley would equivocate on this matter, but he did not. Apparently he was unaware of how sharply his report conflicted with the official account. If what he said were true, if he or the other officers in the car had transmitted the Hidell alias to headquarters by radio, and if the dispatcher called them back and said that Oswald was the suspected assassin, then Oswald's possession of the Hidell identification could definitely be established. All of the dispatcher and squad-car transmissions were routinely recorded, and the FBI's transcript of the recordings from November 22, 1963 was published as commission exhibit 1974 in the supplementary volumes of the Warren Report. I checked it. According to the FBI log, the first transmission from the car en route to headquarters occurs just after 1:51 P.M.

550/2 (Sergeant G. Hill): Suspect on shooting of police officer is apprehended and en route to the station.

Dispatcher (Hulse and McDaniel): 10–4. At the Texas Theatre?

550/2 (Sergeant G. Hill): Caught him in the lower floor of the Texas Theatre after a fight.[9]

The next transmission from the car occurs a few moments later.

550/2 (Sergeant G. Hill): 223 [Patrolman C.T. Walker] is in the car with us. Have someone pick his car up at the rear of the Texas Theatre and take it to the station. It's got the keys in it.

Dispatcher (Hulse and McDaniel): 10–4.[10]

A short time later Hill called in again to report that they were in a special service unit car and to give their location. Then,

15 (Captain C. E. Talbert): You do have the suspect arrested in the Texas Theatre?

550/2 (Sergeant G. Hill): Yes, sir, him and the gun.[11]

These are the only transmissions between the car and the dispatcher recorded in the FBI log. If the exchange Bentley described to me actually took place, then either it wasn't recorded or it wasn't transcribed.

If Bentley really found the Hidell identification when he examined Oswald's wallet, then he should have reported this fact in his official account of the arrest. The supplementary volumes of the Warren Report contain a copy of a memorandum from Bentley to Chief Curry dated December 3, 1963. Bentley makes only one reference to the wallet: "On the way to the City Hall I removed the suspect's wallet and obtained his name."[12]

That's it. There is nothing about Alek Hidell or any other alias identification; there is nothing about calling any alias information in to the dispatcher. Bentley's report seems to imply very clearly that he found only one name on the cards in the wallet, and that name was Lee Harvey Oswald.

If Oswald was not, in fact, carrying false identification when he was arrested, did he ever use the Alek Hidell alias at any other time? I believe that he did, and I base that conclusion on the fact that the Mannlicher-Carcano rifle found in the book depository was a cheap piece of junk.

If Oswald did not kill the president, then he must have been framed; and either the Mannlicher-Carcano rifle was not his and had been planted on him, or else the rifle was his but had been brought to the book depository that day by someone else. I am inclined to believe the latter alternative.

If Oswald did not own a rifle and someone wished to create the impression that he did for the purpose of linking him to the assassination, then whoever did so would have selected a weapon that could actually be used in the crime. In 1963 a rifle and scope adequate for the job could have been purchased for less than $150, an amount that Oswald could plausibly have amassed. Why, then, purchase a $12.78 weapon that could not be relied upon and plant it on Oswald?

But if Oswald really owned the Mannlicher-Carcano and if this

was known by those who selected him to be the patsy, then there would have been a compelling reason to steal the rifle, to leave it in the book depository, and to plant the ballistic evidence that would link the weapon to the assassination: Oswald's ownership of the rifle would already be a matter of record somewhere.

According to the Warren Report, the record of the mail-order sale of the rifle was discovered in the early morning hours of November 23 by a Chicago sporting-goods dealer, and it showed that the weapon had been sent to A. Hidell at a Dallas post-office box on March 20, 1963.[13] Could this record have been forged by a conspiracy? Perhaps it could, but to what purpose? Why introduce an element of doubt into the chain of evidence linking Oswald to the rifle?

The disclosure on November 23 that the rifle had been sold to someone called A. Hidell probably disconcerted the people who had framed Oswald. The use of an alias in the gun purchase could muddy the water. It would be ironic if the manufactured case against Oswald failed because of this. People could reach the right conclusion for the wrong reason.

By the time the purchase record was discovered, Oswald's room in Oak Cliff had been searched and the personal effects he stored at the home of Mrs. Ruth Paine in Irving had been confiscated. The forged Hidell identification may have been found among those things, but there was still room to argue that the cards belonged to someone other than Oswald.* The only way to tie things up securely would be to claim that Oswald had the Hidell identification in his possession at the time of his arrest. Then Oswald would be positively linked to the rifle, and he would also be established as a sinister character who used forged credentials and purchased a rifle under an assumed name. The setback of the Hidell sales record could be turned to the conspirators' advantage. But all this, of course, is only speculation.

Recalling the hard stress I found in Bentley's statement that Oswald's wallet was in his left rear pocket, I analyzed his earlier account of taking the wallet from Oswald's pocket. Here again there was hard

*Meagher presents a plausible argument that Alek Hidell was, in fact, a real person. (*Accessories After the Fact*, pp. 181–199).

stress. Perhaps Oswald had no wallet with him when he was arrested in the theater. Or perhaps the police officers already knew who he was, so no examination of his wallet was necessary. I had not asked Bentley if he had known Lee Harvey Oswald before encountering him in the theater, but I ran across a television interview with him recorded on November 23, 1963.[14]

REPORTER: Did he ever talk in a foreign language?
BENTLEY: No, he did not.
REPORTER: Do you think he had an accomplice?
BENTLEY: I don't know, I didn't (unintelligible because of other reporter's voices).
REPORTER: Mr. Bentley, are you familiar with this subject?
BENTLEY: No, I'd never seen him before.
REPORTER: Mr. Bentley, what is your first name?
BENTLEY: Paul. Paul Bentley.

There was a good level of stress, sometimes reaching hard stress, during the entire interview. However, some of the hardest stress was in the phrase, "No, I'd never seen him before."

Did Paul Bentley or any of the other arresting officers know the name of the man they dragged from the Texas Theatre? Did they know that he would be charged with the assassination? In an unpublished FBI report I obtained from the National Archives, Mrs. Julia Postal, the box-office cashier at the Texas Theatre described the arrest to the agents who questioned her:

> She reported that as the police took this man from the theatre, an officer remarked, "We have our man on both the counts." She asked what he meant and he said "Officer TIPPIT as well." She presumed from this that the man who was then identified as LEE HARVEY OSWALD was a suspect in the assassination of the President and in the murder of Patrolman TIPPIT of the Dallas Police Department. She said this was the first time that she had heard of TIPPIT's death, and the officers arresting OSWALD had identified him, OSWALD, to her by calling his name.[15]

10 THE PHANTOM POLYGRAPH TEST

> He who hath not a good and ready memory should never meddle with telling lies.
>
> —Montaigne: *Essays*

During the last few weeks of his life, Lee Harvey Oswald lived apart from his wife. Oswald lived in a furnished room in Dallas, and Marina and the Oswald children stayed with Mrs. Ruth Paine in Irving, a Dallas suburb. Oswald applied for a job at the Texas School Book Depository at the suggestion of Mrs. Linnie Mae Randle, a neighbor of Mrs. Paine. Mrs. Randle's brother, nineteen-year-old Buell Wesley Frazier was living with the Randles. Frazier worked in the book depository and drove his car the fifteen miles between Dallas and Irving twice each day.

Oswald spent the weekends with his wife at the Paine home in Irving. On Friday afternoons he would ride to Irving with Buell Wesley Frazier; on Monday mornings he would return with him to the book depository. But Oswald broke from his established pattern on Thursday, November 21. He rode out to Irving on Thursday with Frazier and returned to Dallas with him on the morning of November 22, reportedly carrying the long paper parcel the commission said contained the Mannlicher-Carcano.

In the early evening of November 22, Buell Wesley Frazier was arrested in Irving and taken to the Dallas police headquarters. Thus began one of the strangest and least-known episodes in the events of that day. Exactly why Frazier was arrested remains a mystery; according to Dallas police reports, the police began to take an interest in him when they learned from his sister that he had driven Oswald to work that morning.[1] They located Frazier at a hospital in Irving, where he was visiting his stepfather, then took him to the Randle

home and conducted a search. The police confiscated a .303 caliber rifle, an ammunition clip, and a box of ammunition, all belonging to Frazier. They returned to police headquarters with Frazier and his weapon.[2]

The police questioned Frazier and took affidavits from him, his sister, and a clergyman who had accompanied Frazier and Mrs. Randle to police headquarters. Shortly after 9:00 P.M., the police released Frazier and sent him, his sister, and the minister back to Irving in a police car. The car had covered half the distance when the driver received a radio message to bring Frazier back to headquarters.[3]

On returning to the station, Frazier was asked by Captain Fritz to submit to a polygraph examination. The young man consented. Detective R.D. Lewis was called at home and asked to come to headquarters to administer the test. Detective Lewis arrived on the fourth floor of police headquarters at 11:20 P.M. and began to conduct the polygraph examination of Buell Wesley Frazier. It was completed at 12:10 A.M. and, according to the police report, "showed conclusively that Wesley Frazier was truthful, and that the facts stated by Frazier in his affidavit were true."[4] Frazier was released once again and taken back to Irving.

In his affidavit[5] Frazier told of knowing Oswald, of driving him back and forth to Irving on weekends, and of the change that took place in this pattern on Thursday, November 21. He said that Oswald had approached him and asked to ride out to Irving with him that afternoon to get some curtain rods. Frazier said that he had driven Oswald to Irving that afternoon and brought him back to the book depository on Friday morning. He said that Oswald had brought a long paper package to the book depository and told Frazier the parcel contained the curtain rods. Frazier said that Oswald told him he would not be returning to Irving Friday afternoon.

Frazier told essentially the same story, but at greater length, when he testified before the commission on March 11, 1964. Frazier's testimony provided one of the most valuable pieces of evidence in support of the commission's version of events, but it has also been cited by nearly every critic of the Warren Report as a fatal flaw in the official account.

The commission concluded that Oswald went to Irving on Thurs-

day night not for curtain rods, but for his rifle, which was stored in the garage of the Paine home. It concluded that the paper parcel Frazier said Oswald brought to work that morning contained not curtain rods, but the disassembled Mannlicher-Carcano. The inference that Oswald decided to kill President Kennedy on the day before the presidential visit to Dallas is one of the firmest buttresses of the commission's "one lone nut" theory.

But when Frazier testified before the commission, he described the paper parcel in terms that would preclude it from having contained the Mannlicher-Carcano, even in a disassembled state. Frazier said that he had seen Oswald carrying the package with one end cupped in his hand and the other end wedged in his armpit.[6] The barrel of the Mannlicher-Carcano is simply too long to have been carried in this fashion. The only other person who claims to have seen the package was Frazier's sister, Mrs. Linnie Mae Randle. Her description, too, indicates that the package was too short to have contained the rifle.[7] The commission concluded that Frazier and Randle were mistaken about the length of the package.[8]

Critics of the Warren Report have concluded otherwise and have offered Frazier's testimony as evidence that Oswald's package did not contain a rifle. Perhaps because his description of the package has proved so useful to them, the skeptics have accepted the rest of Frazier's story, even though Oswald's sudden trip to Irving on Thursday afternoon raises questions they cannot answer. Meagher writes, "This visit [to Irving] on the night before the assassination was unexpected and is, at first glance, an embarrassment to those who question his guilt."[9]

She also maintains, "There is no reason to doubt Wesley Frazier's story that Oswald asked him for a ride to Irving on Thursday night, saying that he wanted to pick up some curtain rods."[10]

But Oswald's Dallas landlady told the commission that his room was already equipped with curtain rods.[11] And according to Capt. Will Fritz, who interrogated Oswald, "I asked him [Oswald] if he had told Buell Wesley Frazier why he had gone home a different night, and if he told him anything about bringing back some curtain rods. He denied it."[12]

In all probability, Oswald denied it vehemently. Frazier's affidavit had been taken and Frazier was on his way home to Irving when Fritz called the police car and told the driver to bring him back for a polygraph examination. Why, after releasing Frazier, did Fritz suddenly decide that Frazier should be questioned again immediately, preferably with the aid of a polygraph? The most obvious answer is that Fritz confronted Oswald with the affidavit while Frazier was being driven home and that Oswald denied it in terms so emphatic that Fritz felt a lie-detector examination would be required to settle the question.

This minor detail became the focus of the investigation during the evening of November 22. Oswald and Frazier directly contradicted each other. If Oswald had gone to Irving with Frazier on the curtain rod pretext, then his denial of the story was almost conclusive proof of his guilt. Fritz probably realized that if Oswald was lying about this and Frazier was telling the truth, then he could go home to bed secure in the knowledge that the one and only assassin was in custody. But how was the question to be settled?

Oswald wisely refused to submit to a polygraph test until he was represented by an attorney.[13] But since either Oswald or Frazier had to be lying, Fritz must have realized he could establish the truth by testing Frazier. This explains the radio call to the squad car and the sudden u-turn on the outskirts of Irving.

After the PSE results I obtained in analyzing the archive tapes, I, too, was extremely curious about the testimony of Buell Wesley Frazier. Shortly before my trip to Dallas, I obtained a CBS recording of Frazier relating his curtain rod story:

> FRAZIER: Well, he come to me on the Thursday, November the twenty-first, and asked me could he ride home with me that afternoon. And I said, "Why, yes," and I said, "Why are you going home this afternoon?" And he replied that he wanted to pick up some curtain rods so he could put some curtains up in his apartment. And I said, "Oh, very well," and then I said, "Well will you be going home with me tomorrow, also?" And he said, "No." He said he wouldn't be going home with me on the twenty-second."
>
> REPORTER: So he told you that he wanted to come out there and pick up some curtain rods, and this was on Thursday morning?

FRAZIER: Yes, sir.

REPORTER: And at that time he told you that he would not ride home with you Friday night?

FRAZIER: Right.

PSE analysis of this recording revealed a remarkable degree of stress throughout. It was such a classic example of the smooth, maximum hard stress waveform, maintained through almost the entire statement, that a PSE specialist to whom I showed it remarked, "On a scale of ten, this stress is somewhere near eleven."

In fact, I wondered if such stress could be the result of mere deception. Judging from the PSE charts, when Buell Wesley Frazier made that statement, he was in a condition of sheer terror.

As with so many other statements on the archive tapes, there were no irrelevant or control statements I could use for stress comparison. No firm conclusion could be drawn merely from the stress in the statement on the tape. I decided that while in Dallas, I would try to meet Buell Wesley Frazier in person.

After I arrived in Dallas, I tried to find Frazier in the local telephone and city directories. I had no success, but through inquiries I managed to get the address of Frazier's sister, Mrs. Linnie Mae Randle. She had an unlisted telephone number, so I went unannounced to her home in Irving. I found the house in a pleasant, middle-class, suburban section of town. I rang the bell, and Linnie Mae Randle came to the door.

Mrs. Randle is a small, dark-haired woman who appears to be in her middle thirties. I stood on her doorstep with my camera and recording paraphernalia and explained why I was there. She seemed to become increasingly tense as I spoke and interrupted to ask how I had gotten her address. She was not angry or unpleasant, but the color drained from her face as she learned of the reason for my visit. She declined to be interviewed, saying that she would have to consult her husband, who was not home. I asked if she would direct me to her brother. She said that he was in the army and that she would not give out his address. She did agree, however, to convey a message to him from me requesting an interview. I returned to Dallas with the impression that my visit had upset her considerably.

Mrs. Randle had given me her telephone number so that I could call her about her husband's decision on my request for an interview. I called several days later, and she told me that she and her husband had decided against it. I wrote a letter to Buell Wesley Frazier requesting an interview and offering an unspecified sum of money as a consideration. I sent the letter to Mrs. Randle to be forwarded to her brother. I never received a reply.

I raised the subject of the Frazier polygraph test in one of my follow-up conversations on the telephone with Paul Bentley. Since Bentley had been the senior polygraph examiner on the police force at the time, I thought he might know something about it.

O'TOOLE: There's one other area that I didn't get into, that I didn't really know about—this guy Frazier who knew Oswald before the assassination. I haven't had an awful lot of success trying to hunt him down. Apparently he is in the army now.

BENTLEY: I see.

There was good-to-hard stress in "I see."

O'TOOLE: But I did discover something of interest: that he was arrested by Captain Fritz the night of the assassination and given a polygraph examination. I was wondering, I know that you had a problem with your ankle, so I assume you were not the one——

BENTLEY: I don't recall that even occurring.

There was maximum hard stress in the words.

BENTLEY: I think, had he been given an examination, I would have known about it. But this may be 100 percent true and I can't recall——

O'TOOLE: This is in the Warren Report.

BENTLEY: I can't recall. Frazier may have been and if this was the night of the assassination, I would not have been on duty.

Whether or not Bentley recalled the incident, there was hard stress in his voice while we were discussing it. I decided to talk to the man who had tested Frazier, Detective R.D. Lewis, who I learned was still on the police force. Recalling my problems with recording Gerald Hill in a police station, I chose to conduct this interview on the

telephone. I called the main police number and reached Detective Lewis.

I explained that I was a writer and told Lewis my cover story. Then, to obtain a valid control, I asked him if he knew whether Lee Harvey Oswald had been given a polygraph test after his arrest.

LEWIS: Well, I didn't give him one. He wasn't given a polygraph examination.

O'TOOLE: He was not?

LEWIS: Uh uh.

I was fairly confident that this was true, and when I later charted the interview, I found only moderate stress in Lewis's statement.

O'TOOLE: I understand that there was a polygraph examination given to this gentleman who was an associate of Oswald's—a man named Buell Wesley Frazier—on the night of November 22. Would you have been the officer who gave that examination?

LEWIS: I'm not familiar with it. I don't remember conducting any examination whatsoever on Oswald or anyone connected with Oswald.

Suddenly there was good-to-hard stress in Lewis's words.

O'TOOLE: In other words, you did not give anybody a polygraph examination that night?

LEWIS: No, uh uh. Not connected with Oswald.

The stress was hard. I thanked Detective Lewis for his time and hung up.

Could R.D. Lewis have forgotten the incident? He was a detective, called from his home at night to come to the police station and give a polygraph examination as part of the investigation of a presidential assassination. It was ten years ago, but who cannot vividly recall where he was and what he did on November 22, 1963?

The subject of the Frazier polygraph test seemed to produce hard stress in Paul Bentley. Now it caused both hard stress and amnesia in R.D. Lewis. I decided to try it out on Gerald Hill. I telephoned Hill at home:

O'TOOLE: I've been trying to get hold of a guy named Buell Wesley Frazier. This is the guy, I guess, who was his car pool out to Irving.

HILL: Right.

This showed moderate-to-good stress.

O'TOOLE: Did you know him?

HILL: No, I never did even see him.

A *frisson* of hard stress appeared on one syllable, but Hill's voice still stayed generally at the moderate-to-good level.

O'TOOLE: Frazier is an interesting character. My researcher sent me a copy from one of the twenty-six volumes that said he had been given a polygraph examination——

HILL: Um hmmm.

Good-to-hard stress appeared.

O'TOOLE:——on the night of the assassination. Apparently he seemed pretty suspicious to Captain Fritz. But I haven't——

HILL: Well, now, he had to be suspicious to somebody else other than Fritz, 'cause Fritz didn't believe in polygraphs. He wouldn't use 'em.

Wham! Near-maximum stress appeared.

O'TOOLE: Is that right?

HILL: This is right.

O'TOOLE: Well——

HILL: He'd lose a case before he'd put anybody on the polygraph.

O'TOOLE: Well, now this is interesting, because, according to the Warren Report, a polygraph examination was administered by a gentleman named Lewis, R.D. Lewis.

HILL: Yeah, uh huh.

O'TOOLE: But I spoke to Mr. Lewis, and he said he didn't recall giving him a polygraph examination or anybody else that night.

HILL: Yeah, like I say, if it was Fritz's show, probably no. Now this may be a situation where he was arrested by either the sheriff's

office or arrested by the Irving P.D., and they utilized our polygraph section to give the test. But if the guy was Fritz's prisoner, he did not get a polygraph, 'cause, ah, Fritz's own men, as long as he was there, if they wanted to put somebody on a polygraph, they had to do it behind his back.

O'TOOLE: Is that right?

HILL: Yeah.

O'TOOLE: Well, that's interesting.

HILL: He was, ah, he didn't believe in it.

There was, of course, hard stress throughout most of this, but that was of secondary importance. My investigation appeared to be entering a new phase. The psychological stress evaluator had functioned like a mine detector, showing me where to dig. I was digging, and I was beginning to find pay dirt.

I did not for a moment believe that the chief of the Dallas homicide and robbery bureau would categorically forbid the use of the polygraph. Even if he didn't believe in the polygraph's accuracy, he had to realize the instrument was strong encouragement for suspects to be truthful. It isn't a crystal ball, but it's a handy investigative aid, and I couldn't imagine any captain of detectives proscribing it.

Could Hill have been misinformed? It was not very likely. Hill has served on the force since 1958,[14] and Fritz had retired around 1970. During the twelve years they both were on the force, Hill must have gotten to know Fritz well enough to learn whether or not he ruled out the polygraph. I decided to call Fritz.

Fritz lives in retirement in a downtown Dallas hotel. The switchboard put me through to him. Captain Fritz was polite but firm: he said he had never given an interview on the subject of the assassination, and he didn't want to start now. I considered saying I just wanted to know what he thought of the polygraph, but it sounded crazy, so I decided not to.

But there was at least one other person who could be expected to know with absolute certainty whether Fritz used the polygraph—the former chief polygraph examiner for the Dallas police, the prominent Texas polygraph examiner, Paul Bentley. I called Bentley.

O'TOOLE: I'm sorry to bother you again. I just had one or two details I wanted to check with you.

BENTLEY: All right.

O'TOOLE: I heard that Captain Fritz had absolutely no faith in the polygraph and he never used it. Can you confirm that?

BENTLEY: I cannot confirm that. It was used constantly in the homicide and robbery bureau.

Bentley showed a lot of stress when I first identified myself to him, but he dropped to almost none on "I cannot confirm that."

O'TOOLE: The individual who told me this said that Fritz just didn't believe in the polygraph and——

BENTLEY: I've run many, many examinations for Captain Fritz personally.

Why did Lewis and Hill risk making such serious and implausible misstatements to deny that the Frazier polygraph test took place when it was, after all, a matter of record? Perhaps Lewis didn't wish to discuss it (or any other aspect of the assassination) with me, but why did he choose this means of refusal. After all, I had no subpoena power; no one had to talk to me. Lewis could have simply declined to do so, as Captain Fritz did when I called him. And Lewis had an excellent excuse: as a member of the Dallas Police Department, he had no business discussing Frazier's polygraph test with me or any other outsider. Why did Lewis claim it didn't happen, and why did Hill make the unlikely and demonstrably untrue claim that Fritz wouldn't use the polygraph? The answer may be that neither of them knew it was a matter of public record, and when I sprang it on them, they said the first thing that came to mind to turn me away from a potentially dangerous subject.

There is no mention of the Frazier examination in the Warren Report. There are only a few brief, passing references to it buried in the twenty-six supplementary volumes, and even these are difficult to locate. To my knowledge, the only other mention of the incident in print appears in Jim Bishop's book, *The Day Kennedy Was Shot*.[15]

One of the few official references to the Frazier test is in the testimony of Detective Richard Stovall, who was one of the policemen in the car that returned Buell Wesley Frazier to police headquarters for the examination. Stovall is still on the force, and I telephoned him.

O'Toole: Are you the Detective Stovall who was involved in investigating Wesley Frazier about the time of the assassination?

Stovall: Um hmm.

O'Toole: I wonder if you'd mind chatting with me for a few moments?

Stovall: [long pause]

O'Toole: Ah, would that be all right?

Stovall: [pause] Well, of course it just depends. Ah, I don't know you, and——

I recounted my cover story to him and told him that I had become interested in the Frazier matter because, based on R.D. Lewis's statement to me, I thought I had discovered a minor error in the Warren Report. I asked Stovall if he remembered whether or not Frazier was given a polygraph examination.

Stovall: Without looking back at my notes or anything, I couldn't tell you for sure.

O'Toole: Uh huh, you don't recall——

Stovall: But I do feel like that he did have one.

O'Toole: Do you remember the details of it?

Stovall: No, because, see, when they gave those examinations, we weren't up there. Just the polygraph examiner was.

O'Toole: Just the polygraph examiner and the subject?

Stovall: Well, as far as I know.

Hard stress appeared. Stovall returned several times in our conversation to the theme that he had not been present during the Frazier polygraph examination and, therefore, wouldn't know anything about it.

Stovall: But like I say, usually when a man is given a polygraph test, just him and the, the suspect, you know, the person being given the test and the operator, is usually the only one in there. Of course, sometimes they'll have somebody else in there. Sometimes they'll have someone else observing. But on his, I don't know.

There was hard stress in this and in the following statement:

Stovall: I believe that he did have a polygraph examination, but I couldn't swear to it because, like I say, you know, once they took them up there. . . .

But here is what Detective Richard Stovall swore to for the Warren Commission, ten years earlier, when, presumably, his memory was fresher:

Mr. Ball: When you took the polygraph, you were present during the polygraph examination of Frazier, were you?

Mr. Stovall: Yes, sir.

Mr. Ball: And during this examination, did you have before you the affidavit which Frazier had made?

Mr. Stovall: No, sir; I didn't.

Mr. Ball: You didn't at that time?

Mr. Stovall: No, sir.

Mr. Ball: Who did the questioning?

Mr. Stovall: R.D. Lewis, he's the polygraph operator.

I might explain that to you—in our polygraph room we've got a two-way mirror there and in another room behind it, so that the officer that is investigating the case, if he wants to, can watch the examination being given, and you can hear the questions and the answers.

Mr. Ball: Did you go home then after that?

Mr. Stovall: Yes, sir; after we took them back to Irving we went home.[16]

Stovall was, in fact, present during the Frazier examination, although three times he suggested to me that he was not, possibly because of the defective memory of the assassination from which so many Dallas police officers appear to suffer. I never specifically asked Stovall if he had been present during the examination; he kept bringing the matter up himself. But it was a subject that did interest me because of the detailed account of the examination written by Jim Bishop.

Bishop's hour-by-hour chronology of the events of November 22, 1963, contains a brief but very detailed description of the Frazier

polygraph examination. Bishop's account of the incident goes beyond anything in the official record.

> It took time to get the control questions and the placidity of the victim juxtaposed so that, on simple interrogations such as: "Do you live with your sister?" the needle would not jump. "Ever fire a gun?" induced a spasm peak. There was nothing incriminating in either question or answer ("Yes"), but Frazier, judging by the needle, bordered on controlled hysteria.[17]

There is nothing like this anywhere in the Warren Report or the twenty-six supplementary volumes. Jim Bishop either made it up (an unlikely thing for a respected journalist to do), or else he was told it by someone present during the examination. Bishop's book is a highly readable, third-person narrative equivalent of the Warren Report. He wrote it in Dallas in 1967, and it must have been obvious to the local officials that he was not there as an investigative reporter. In an epilogue Bishop tells of the cooperation he received from Judge Joe B. Brown, the judge who presided at the trial of Jack Ruby. Bishop says that Judge Brown arranged to have "a host of anonymous men" visit Bishop in his hotel room and describe their personal recollections of November 22. "The people he sent," writes Bishop, "remained 'anonymous' because many of them—for example, police department employees—had been ordered not to discuss the assassination with anyone."[18] (Apparently Bishop didn't ask why, four years after the assassination, people were ordered not to discuss it. If he had, he might have uncovered a story worth writing instead of the cosmetic job he actually produced.)

If Bishop's account of the Frazier examination came from policemen who were there, then one paragraph is extremely interesting:

> Lewis realized that it would be a lengthy test, but he was a patient man. He expected a jump on the needle when he asked a control question such as: "Ever do anything you're ashamed of?" or "When you were little, did you ever lie to your mother?" There were five police officers in the room and the doorway, and there wasn't one who expected to learn anything from Wesley Buell Frazier (sic). All they had managed to do was to scare the wits out of him.[19]

This seems to imply that the results of the examination were inconclusive, which is precisely what all the polygraph examiners to whom I have recounted the details say they would expect. An examination conducted with "five police officers in the room and in the doorway" could hardly produce any other result. And the duration of the examination—from 11:20 P.M. to 12:10 A.M.—is, I am told, far too short a time to examine a subject in a criminal case, least of all a frightened subject.

There was an even more fundamental departure from standard polygraph practice in the Frazier examination, however: that the test was given at all. Polygraph examiners insist on testing subjects when they are fresh and well-rested, so that their physiological responses will be distinct. And they refuse to examine a subject immediately after he has been interrogated, as Frazier was because, if he has been lying, the polygraph effect may be washed out. Why did R. D. Lewis agree to test Frazier in the middle of the night, when the young man had been up since early that morning, was in a state of extreme nervousness, and had been interrogated extensively only a short time before? And why did he permit four other police officers to be in the room during the examination? The conclusion seems almost inescapable that Lewis wanted to come up with an inconclusive result.

Captain Fritz wanted Buell Wesley Frazier given a polygraph test. There were two polygraph examiners on the Dallas police force in November 1963: Paul Bentley—the senior examiner—and R. D. Lewis. On the night of November 22, Paul Bentley was home with his sprained ankle in a cast. When Lewis received the telephone call at his home, he had no choice: he had to come in and give the test.

R. D. Lewis did not testify for the Warren Commission. The Dallas police report of the Frazier examination, published in the twenty-six volumes, is signed by Detectives Rose, Stovall, and Adamcik, but not by Lewis.[20] Lewis had not gone on record anywhere to the effect that Frazier passed the test. If Lewis was the "anonymous man" who told Jim Bishop about the test, he apparently said no more than "all they had managed to do was scare the wits out of him." And when I asked Lewis about the examination, he told me it never happened.

Suppose an honest cop were told to falsify a polygraph examination, to say that someone was telling the truth even though the instrument indicated otherwise. Suppose he were threatened with death if he reported "deception indicated." Short of lying himself, what could he do? He could arrange an examination that would surely result in an inconclusive result and report that result truthfully. It would be a compromise with his conscience, but it would keep him alive.

The actual investigation of Buell Wesley Frazier was conducted by Detectives Richard Stovall and John Adamcik under the direction of Detective Guy Rose. The three detectives were also the officers who searched Mrs. Paine's home in Irving and confiscated Oswald's possessions, and Stovall and Rose were the two policemen who testified that the photograph of the auto parked behind General Walker's home was already mutilated when it was found (see Chapter 6). One of the Dallas police reports submitted to the commission said that Detective Adamcik "understands a little Russian,"[21] although in his testimony to the commission, Adamcik implied that he understood no Russian.[22] In the Dallas police roster and organization chart for November 1963, Adamcik is shown, not as a detective in the homicide and robbery bureau, but as a patrolman under Sgt. Gerald Hill.[23] I wanted to talk to Detective Adamcik about these and other details, but I never reached him. Either he is no longer with the Dallas police, or else the police switchboard operator didn't recognize the name (which I very well may have mispronounced). I did, however, reach Detective Rose.

Rose was much less guarded than Stovall, and his memory seemed to be working better. I told him my cover story and then said I was interested in the details of the Frazier matter. He went through a fairly detailed account of it, omitting only the mention of finding a rifle among Frazier's posessions and the fact that Frazier was brought to Dallas under arrest. I told him about the description of the polygraph examination in Jim Bishop's book and asked whether there had been five officers in the room.

ROSE: No. Actually there was only one officer in the room. He was the polygraph examiner. My partner and I—there was just two of us—we waited till the test was over. But there was only one officer in the room with him.

Hard stress appeared.

O'TOOLE: I see, uh huh. And the results of the polygraph indicated that he was telling the truth?

ROSE: Yes, he got a very good chart, and it showed that he was telling the com——, he was telling just exactly the truth.

Hard stress appeared again.

O'TOOLE: Did Captain Fritz have a lot of confidence in the polygraph?

ROSE: He had confidence in it as an investigative tool. You know, with a polygraph there's about three ways you can go: you can tell a guy is completely lying or that he's completely telling the truth or that the examiner just can't give you—— it's an inconclusive. I find that where an examiner very confidently tells you that a man is telling the truth—and you can see the charts yourself—you can be pretty sure he is telling the truth. Now, if you get an inconclusive, why then you don't know, you're right back where you started. But on this case we did get a good solid chart, he was completely truthful.

The stress dropped off during Rose's explanation of the polygraph, but resumed good-to-hard on "But on this case we did get a good solid chart, he was completely truthful."

When Rose testified for the commission, he was asked about a variety of matters—searching the Paine home, bringing Marina Oswald and Ruth Paine to the police station, sitting in on some of the interrogations of Oswald, and other subjects. As he had been with me, Rose was cooperative and informative with the commission lawyers. As he concluded the examination, Assistant Counsel Joseph Ball asked Rose if he would sign the transcript of his testimony after it was typed—a standard commission procedure—and Rose readily agreed. One can almost visualize Ball turning away as the following colloquy took place:

MR. ROSE: Well, if she [the typist] will just call me, I will drop by anytime.

MR. BALL: Okay, that will be fine. We will do this. Thanks very much.

MR. ROSE: Let's see, there was something else I was going to tell you now, I wanted to mention—we did run Wesley Frazier on the polygraph, did you know that?

MR. BALL: I know you did—we know about that.

MR. ROSE: Yes.

MR. BALL: Thanks.[24]

The only reference to Frazier in Rose's testimony concerned "locating" him at the hospital in Irving and taking an affidavit from him. The commission lawyer showed no special interest in Frazier and didn't follow up on the subject or question whether Frazier had been telling the truth. Instead, he turned to another topic and, a short time later, brought the interview to a close. It was late afternoon, Rose had been the final witness of the day, and presumably everyone was putting away his papers and getting ready to go home. But Rose didn't want to step down until he was sure that everyone knew they had run Wesley Frazier on the polygraph. Why did he feel that this was an especially important point to make?

Armed with Rose's confirmation that Lewis had conducted the Frazier polygraph examination, I decided to have another go at Lewis.

O'TOOLE: I hate to bother you again and make a nuisance of myself, but there's something that I'm trying to check on. It's a small detail, and I'd like to try to jog your memory a little bit. We were talking about polygraph examinations that you gave on the evening of the twenty-second of November, and, as I recall, you did not recollect giving one to Buell Wesley Frazier at that time.

LEWIS: Offhand, no, I don't remember giving anybody one.

Hard stress appeared.

O'TOOLE: Well, I spoke to Gus Rose, and he recollects that you did. And I also found a reference to it in the Warren Report that said you gave this man Buell Wesley Frazier a polygraph. And it's

also in Jim Bishop's book, not that that's an authority—*The Day Kennedy Was Shot.* You have absolutely no recollection of this?

LEWIS: I don't remember it, no. I may have, but I don't remember running the guy. Of course I've only run about fifteen thousand——

O'TOOLE: Yeah, I know, and it's ten years ago, but, in the book, it says that—and also in the Warren Report—it says that you were called at home that evening to come in and give the polygraph examination.

LEWIS: What day was Kennedy shot on?

O'TOOLE: He was shot on a Friday.

LEWIS: What, what was the date?

O'TOOLE: The twenty-second of November.

LEWIS: Twenty-second, and ah [pause] I worked that evening.

Mr. Lewis has a remarkable memory. He cannot remember the date of the assassination of President Kennedy; he cannot remember his own work in investigating the case, certainly the most important case of his police career; but give him a date ten years ago, and he can tell you whether or not he was on duty that evening.

O'TOOLE: You worked that evening. So, what time would you have gotten off?

LEWIS: Eleven o'clock that night.

O'TOOLE: Eleven o'clock?

LEWIS: I remember, because my son, I had my son down here. I remember when Kennedy got shot, I was on my way to work, and I stopped at a pawn shop to look for a radio or something. I don't remember what it was I was looking for, but I stopped at a pawn shop somewhere on South Haskell. And just before I got out of the car, around one or something like that, I don't remember what time it was, I got out of my car to go in the store—might have been later than that—and it came out over the news that he had been shot. And I came on downtown and went to work. I went to work at three that day and got off at eleven. So there wouldn't be any reason for them to call me from home.

O'TOOLE: Well this was—according to the report they called you about eleven, I think it was after eleven o'clock.

LEWIS: Oh, well, that may have been so then.

O'TOOLE: Do you recollect giving anybody a polygraph test that day? That evening?

LEWIS: [long pause] Well now that you bring that up, it seems like I did get off that night and went home, and then they called me back. But I don't remember any of the details about it or anything.

O'TOOLE: You don't remember who it was that you gave the test——

LEWIS: No. I couldn't. If my life depended on it I couldn't remember.

Lewis's choice of words is interesting.

LEWIS: If I read a report, you know, I might recollect, I might remember. But just to say I run anybody [Pause]. I do remember running a case or two regarding the Kennedy deal—not people who were accused of shooting him or something, but, I don't remember the details or the circumstances.

At least Lewis's memory had improved since our earlier conversation when he told me he hadn't run any examinations in connection with the case.

O'TOOLE: I see, I see. Well, that would have been——

LEWIS: I don't remember it being that day, you know.

O'TOOLE: Uh huh.

LEWIS: Matter of fact, I think I run several people, but it seems to me, about the best I can remember, it was days after, and not the same day. But there again, I could be mistaken about that part of it.

O'TOOLE: Well, it was a long time ago, and I guess you do run a lot of cases. Ok, well, I'm sorry to bother you again——

LEWIS: If I had some, you know, what was the details supposed to have been regarding it, do you know?

O'TOOLE: Well, ah, according to the Warren Report, this is the sequence of events: Frazier, who was Oswald's associate—he drove back and forth with him to Irving on weekends—Frazier was questioned by the police and he told them that Oswald had come in that morning with a package that Oswald claimed contained curtain rods. And he also said that Oswald declared he wouldn't be going back to Irving that weekend. Now they released Frazier and they put him in a police car. I think Officer Stovall was driving him home. And halfway out to Irving, he got a radio message to bring him back. And they brought him back, and they asked him if he'd take a polygraph test. Now according to the report I've got, they called you at home and asked you to come in. It took you about an hour to get in. You got in about midnight, I guess. And he was given the test. Now I don't know precisely what they asked him, but I presume it was to verify his story that Oswald had this package of curtain rods—what he claimed to be curtain rods——

LEWIS: Yeah, now I do remember running some guy regarding a package and knowing Oswald and curtain rods and so forth. I do remember that, but I didn't remember it being the same day or even the same twenty-four-hour period that the killing happened——

O'TOOLE: I see.

LEWIS: But I do remember running somebody regarding some curtain rods and riding back and forth with Oswald, and did the guy see any gun and so forth.

O'TOOLE: I see. That's the guy. Now, I know this is asking a lot, but do you remember offhand the results of that polygraph examination? Did you get a clear indication that the man was telling the truth?

LEWIS: I don't offhand remember, but I would say that he did, otherwise it would have stuck with me.

This was the point that I was struggling to reach: R. D. Lewis's own statement about the results of the Frazier polygraph examination. There was hard stress in it. But perhaps the PSE results are less significant than Lewis's own unlikely story. His statement that Frazier passed the test can be no more credible than his strangely uneven memory. Summoned from his home in the middle of the night to investigate a presidential assassination, Detective Lewis does his duty and promptly forgets all about it. What to many of us would be a tale for our grandchildren is, to Detective Lewis, just one of fifteen thousand cases.

After my telephone conversation with Lewis, I went to the front

desk in my motel, arranged for a late check-out the next day, settled my bill, and returned to my room. I put the DO NOT DISTURB sign on the knob, tossed the key onto the bed, and crossed to the sliding glass door that opened onto the parking lot. My luggage, my equipment, and the tapes were all packed in the trunk. I pulled out of the lot quietly, made a few random u-turns, then got onto the Stemmons Freeway and headed out of town. I had raised a lot of dust, and I didn't want to be around when it settled. My first order of business was to put many miles between myself and Dallas. My second was to find Frazier.

11 FINDING FRAZIER

As well look for a needle in a bottle of hay.
—Cervantes: *Don Quixote*

The man in the car parked across the street was taking my picture with a small movie camera. I didn't notice him until I drove out of the parking lot in front of my apartment house. As I turned onto the street, I glanced up and found myself staring into the lens. I made a mental note of the license plate and drove around the block. When I got back, he was gone.

I went back up to my apartment and made a phone call. Within half an hour I was called back. The car was registered to a man who lived in a town some miles away. It was jointly owned by him and his daughter, who lived with her husband in the apartment house next to mine. I realized with some relief that the mystery cameraman had been making home movies (" . . . and here's where my daughter and son-in-law live . . ."). I had driven into his viewfinder by accident; he probably stopped filming until I was out of frame. End of mystery.

The phone call that saved my peace of mind was to a private citizen with very good police connections, who could routinely ask for a license-plate check. He is part of a vast, loosely organized "old boy network" of former intelligence officers, FBI agents, and policemen. When a person spends a lifetime in security work for some government agency, he doesn't break off all contact with his former associates after he retires. Many alumni go into private practice as investigators or security specialists. Friends still on the inside help because they know and like the graduate, and, in some cases, because he may present an employment opportunity when their own time comes to be put out to pasture. And of course, sometimes the favor is done by the person on the outside, when, for example, the police or federal investigators need a look at a credit file or a long-distance telephone

toll record, and they don't have the time (or, perhaps, a good enough reason) to get a court order. Much more of this mutual back scratching goes on than is generally realized, and it works to the detriment of personal privacy and civil liberties. But when one is trying to find a missing person who may not consider himself missing, the old boy network can be a very worthwhile institution.

Frazier's sister said he was in the army. I had his name and his date and place of birth. And an army contact. That seemed like enough, so I called my friend. He called back the following day: there was nobody in the United States Army named Buell Wesley Frazier, he said.

Next I visited a Washington businessman, a friend who had retired from government intelligence work to start his own security company. I explained my problem, and he told me he had a source with very good FBI connections. He said he'd do what he could. About a week later he called me to say that Buell Wesley Frazier was employed by the Boeing Aircraft Corporation in Renton, Washington.

I went to the Library of Congress and checked all the city and telephone directories for Renton, Washington, and all surrounding counties. There were, of course, many Fraziers, but not the one I was looking for. I called Boeing in Renton. The switchboard operator didn't have an extension listed for a Buell Wesley Frazier, but she said employees working in the assembly plant wouldn't be listed unless they were supervisory personnel. She connected me with the personnel department. The woman who answered the phone told me she couldn't give out any information, not even whether or not someone named Buell Wesley Frazier worked there.

It began to seem as though I wasn't going to find my man simply by asking favors of friends. I decided to hire a private investigator for the job. One was recommended to me—a young man who owned his own private-detective firm in a large Midwestern city. For the purpose of this narrative, I shall call him "Stevens," although that is not his name.

From the outset Stevens made me nervous. I told him whom I wanted to find and gave him some of the background. He immediately proposed to mount a full-scale operation, planting bugs in Frazier's home, tapping his telephone, and placing him under surveillance with one of his special vans equipped with telephoto cameras and videotape equipment. When I explained that I only wanted to find Frazier so I could talk to him, he seemed a little disappointed. I told him that under no circumstances did I want him to bug, tap, or videotape anyone for me.

After a few days, Stevens called me and reported that he had a contact in Boeing—the director of security (subsequent developments caused me to doubt this and almost everything else Stevens said). He said that the man had checked the corporate personnel records and no one named Buell Wesley Frazier worked there now, or had ever worked for any division of Boeing Aircraft Company.

Stevens proposed going to Dallas and conducting other assassination-related investigations for me there. He said he had some good contacts in Dallas and that one of his clients was the First National Bank of Dallas. I asked him if he knew the director of security there. He replied that he knew Paul Bentley very well.

By now, I thoroughly regretted bringing Stevens into the case and especially, telling him so much about the background of my investigation. But it was too late to change things, so I simply told him I'd think about his proposal, and in the meantime he should do what he could to find Frazier.

A few days later Stevens called to report his progress. This was the first of a series of calls from Stevens in which he gradually drew a bizarre and improbable picture of the mysterious obstacles he was encountering in finding Frazier. There was a clerk in the Social Security Administration, who, said Stevens, served as his informant. She had "gotten burned" when she tried to get a look at Frazier's file. Next, the clerk had managed a peek at the dossier, and it contained a slip of paper with a list of names—five Dallas cops and my own. What, asked Stevens, did I make of it?

I made of it that Stevens was trying to plant a wildly improbable story on me, but I didn't know why. I checked out everything he said. The woman in the Social Security Administration never heard of Stevens and didn't work for him; Social Security files are stored on magnetic computer tape and therefore don't contain "slips of paper." The names of the Dallas policemen had all appeared in an article I

had written presenting my early findings with the archives tapes and published in the July 1973 *Penthouse* Magazine, and the five names appeared in exactly the same order as they did in the magazine piece. I knew that it was a completely phony tale, but I couldn't understand why Stevens was trying to plant it on me.

About a week later Stevens sent a member of his staff—a "psychic" —to visit me and confirm his story through a "reading." I managed to disguise my mirth as I sat through the seance. Stevens seemed determined to introduce an element of the ridiculous into my investigation, but, again, I could not understand his motive.

Stevens was being paid for his services, and I had explained to him that, if he found Frazier, he could expect more money. He knew that I had a budget from my publisher for investigations. Why did he risk losing my business by handing me such an obviously false story? Several months after I broke off contact with Stevens, I learned that he was running a political dirty tricks operation against a Midwestern public official who had hired him to guard against that very threat. Apparently the double-cross is Stevens's specialty. If I had bought his tale and used it to suggest there was a federal government conspiracy to cover up the assassination, it could have been detonated like a land mine at any time to destroy the overall credibility of my case. In his dealings with me Stevens seems really to have been working for someone else.

I think that Stevens knew I didn't buy his tale, and I believe he suspected I was recording our telephone conversations and testing them with the PSE (he was right). After the affair of the Social Security file, he called me and gave me one item of information which happened to be true, perhaps in the hope of keeping me as a client. He said he had learned that Buell Wesley Frazier was in the army.

The PSE showed that Stevens was, for once, telling the truth. I called my army contact in Washington and asked him to check again. When he called me back he sounded puzzled. Yes, Frazier was in the army; his name was added to the army locator sometime between the first and second inquiries. But there was something unusual about the entry: no location was given. Instead, Frazier was listed only as being in "CONUS," military jargon for "continental United States."

I went back to my Washington businessman friend, the one with the source who had good FBI connections. I told him what I had found and asked for his advice. He thought about it for a few moments then suggested I hire the individual who was his source. I replied that I was a little reluctant to hire another investigator, having been burned already by Stevens. My friend said that he didn't think that would happen this time. He identified the man he had in mind, and for the purpose of this narrative, I shall call him "Big Otto," although that is not his name.

Big Otto was not working as a private investigator; he was president of a security firm in a large Eastern city that sold electronic surveillance equipment. The business wasn't doing very well, and Big Otto was courting my friend's company for a merger. Under the circumstances, my friend said, there wasn't much chance for a double-cross because Big Otto had a lot to lose if he blew his chances for the merger.

"Otto is about 30 percent bullshit," said my friend, "but the rest is real."

Otto had served in both the FBI and the CIA before going out on his own. He still did an occasional freelance job for the government. For example, Otto worked as a double agent, selling ersatz "classified equipment" to Soviet intelligence. He collected a fee from the government for carrying out the deception operation, and he could keep whatever he milked from the Russian agents in the deal.

Otto was an old-timer in the business, and his government contacts were other old-timers, usually senior officials. My friend told me several anecdotes that illustrated Big Otto's well-placed connections. Otto sounded like the man who could find Frazier for me.

My friend sent one of his vice-presidents with me to visit Otto. Otto's company headquarters was in an old, downtown office building. As we stepped off the elevator and approached the door bearing the name of Big Otto's company, I noticed a small television camera mounted above it. Otto greeted us on an intercom as we approached and unlocked his door with an electric relay. We pushed it open and went inside.

Big Otto has to be seen to be believed. He is a white-haired giant of a man in his mid-sixties, with a flowing mustache and a flamboyant

manner. While it was not in evidence, I knew there was a pearl-handled, nickle-plated .45 automatic nearby. There had to be.

Otto was sitting behind a massive desk as we walked into his office. There were a pair of television screens on the other side of the room. A black-and-white set showed the corridor outside Otto's office; the color set was carrying the Watergate hearings—the picture, but no sound. Otto gestured for us to sit down and pointed at the color screen, where the the face of a deputy attorney-general was speaking soundlessly.

"That son-of-a-bitch is the biggest bullshit artist in the Justice Department," declared Big Otto in a booming voice.

We exchanged amenities and made a little preliminary small talk. My friend in Washington had already filled in Otto on the background of my project and told him I was looking for Frazier. I discreetly turned the conversation to the subject of my visit. Big Otto fixed me with a stare from beneath a pair of bushy, white eyebrows.

"I'm tired of all this spying crap," he suddenly roared. "I've been doing it all my life, and now I want to make some MONEY!" He punctuated this announcement by slamming a ham-sized fist onto his desk blotter, causing an ashtray and paperweight to spring into the air. I told him that I'd be happy to pay him for his services in locating Frazier.

"That's not what I mean," he snorted. "I've got a contact on the *Daily News.* We can sell him your story and make a million dollars."

I told Big Otto that I already had both a literary agent and a publisher, and what I wanted from him was some investigative work.

"Look, O'Toole," said Otto, "the Bureau investigated this case; it was the biggest investigation in FBI history. I could find this kid for you, but it's not going to do any good because he won't be able to tell you anything that everyone doesn't already know. I don't want to talk about finding people, I want to talk about making some MONEY!" The objects on his desk top leaped into the air again.

"Let me get this straight," I said. "You're saying my investigation is a lot of nonsense, but you think you know how to make some money out of it. Is that about right?"

"That's exactly right," exclaimed Otto. "Let's cut out all this bullshit and make some MONEY!"

In replying to this, I took into consideration the fact that I was there as a guest, and I didn't ignore Big Otto's size or the probability of that nearby, pearl-handled, nickle-plated .45 automatic.

"I think that we are wasting each other's time," I said and stood up. My companion had listened to the exchange in silence, squirming uncomfortably. As I left, he said he'd stick around because he had some other business to talk over with Otto. Big Otto didn't see me to the door, but he bade me farewell over his intercom as I stepped into the corridor. I resisted the impulse to make a fitting gesture of salute at the closed-circuit television camera.

When I got back to Washington, I called my friend.

"Well, you got part of your answer," he said.

I asked him to explain. He told me that after I left, Big Otto had apologized to my companion, the vice-president of my friend's company, and told him there was nothing he could do to help me. Big Otto had tried to run a check on Frazier through his FBI contacts before we arrived, but he was refused the information and told in the most emphatic terms to drop the subject and to have absolutely nothing to do with me.

I had put Big Otto in an uncomfortable position. He wanted very much to help me and do a favor for my friend so he could pursue his merger plans. Based on past performance, Otto should have been able to locate Frazier in a matter of hours. But when he went to the Bureau, his wrist was slapped. And no low-level employee in the FBI's local office could slap the wrist of Big Otto; *that* had to come from Washington.

My friend pointed out that if Frazier had simply been a material witness in the case, there would be no reason for the FBI to have red tagged his file as, apparently, it had. The Bureau had a continuing interest in Frazier, and they didn't want any nosey journalists talking to him.

My friend said that I had gotten part of my answer. He was wrong. What I had gotten was an answer to a question I never thought to ask: Did the Federal Bureau of Investigation discover more about the assassination than it ever reported to the Warren Commission?

Now more than ever, I was determined to find Frazier. Slowly I accumulated a few more bits and pieces. I knew that Frazier had

served in the army once before, from 1965 to 1967. He had been trained as a cook at Fort Polk, Louisiana, had earned a marksman's rating with the M–14 rifle, and had been overseas for about five months. He was honorably discharged at Fort Lewis, Washington. He had reenlisted for a four-year hitch on March 26, 1973. Sometime in the last ten years he had gotten married. I knew his Social Security number, his religion, and his blood type. In fact, the only thing I couldn't learn was where to find him.

I got close to him twice. The first time I heard a report that he had been sent to Fort Polk, Louisiana, for some training. I called the Fort Polk base locator. Frazier had been there, but now he was somewhere else. Where? the enlisted man on the phone didn't know. A month later I heard Frazier was at Fort Sill, Oklahoma. My source told me she had gotten a telephone number for him, had called it, and the person who answered said Frazier was away at the moment. When I tried the same number a few days later, no one had heard of Buell Wesley Frazier.

To be objective, I must point out that the United States Army is a big place, and the people who answer the telephone are not always well-informed. Frazier had just reenlisted, and it is entirely plausible that he was being moved around for various kinds of special training and not for the purpose of eluding me. But I cannot explain the absence of forwarding addresses or of any address listed in the Pentagon worldwide locator other than "CONUS." Nor can I easily account for the fact that I was able to learn so much basic information about Frazier, but not a telephone number or mailing address that I could use to reach him.

After several months of fruitless search, I happened to visit Dektor to discuss a technical problem with some of Allen Bell's people. Bell introduced me to a young man named Tony Pellicano, a Chicago-based private investigator who specializes in missing persons. Pellicano is yet in his early thirties, but he has already become something of a legend; he has a distinctive personal style which captivates newspaper and magazine writers. There are, for example, Pellicano's twin Lincoln Continentals, each equipped with a telephone; his karate school (Pellicano holds a black belt and also specializes in kung fu and other oriental martial arts); and the Samuri swords which adorn the walls of his office. But beneath these flamboyant trappings

there is the hunter who always gets his man. Under the rubric of Fortune Enterprises, Ltd. Tony Pellicano has tracked down more than three thousand missing persons.

Pellicano started out in his profession as a very young man tracing deadbeats for a Chicago mail-order house. He learned the tricks of the trade and discovered that he had an uncanny talent for finding people. Soon he went into business for himself. Pellicano's cases range from tracing husbands or wives who desert to finding children kidnapped in custody battles. He has reunited families separated for decades and tracked down skid-row derelicts who have inherited fortunes. I asked him if he could find Buell Wesley Frazier, and he shrugged and replied that he could find anyone.

I wanted to believe him. Pellicano was not a full-fledged member of the old boy network—he didn't have close ties with the FBI or police—and under the circumstances this began to look like a distinct advantage. Like all magicians, Pellicano won't tell how he performs his feats, but I was reasonably sure he didn't rely on friends in the FBI for help.

I have heard that Tony Pellicano sometimes works for free out of humanitarian motives. However, I cannot testify to this from personal experience. Within a few days of our first meeting, I introduced him to my publisher in New York. I don't know the exact terms of the agreement they reached, but I was later told that Pellicano's firm, Fortune Enterprises, was aptly named.

Whatever Tony Pellicano's fee, he earned every cent of it. Within forty-eight hours after taking the case, he found Frazier.

Because I didn't expect to hear anything from him for a while, I was caught off guard by Pellicano's telephone call on a Saturday morning at the beginning of December.

"I found your guy," he said. It took me a moment to realize what he was talking about.

"Where?"

"Back where it all began," said Tony Pellicano. "In Irving, Texas."

Frazier was stationed at Fort Hood, an army base about a hundred miles south of Dallas. He had a home in Irving, and he commuted there on weekends (another weekend commuter to Irving; history is full of patterns.)

I didn't care for the idea of going back to the Dallas area, but I

had resolved to follow the trail no matter where it led. I told Pellicano I would leave immediately and asked him for the address.

"Forget it," he replied. "I doubt that you can get near him. I know you won't be able to do it at Fort Hood; he lives on base and seems pretty well insulated."

I asked Pellicano what he would suggest.

"Right at this very moment," said Pellicano, "Frazier is getting a haircut. In about an hour he'll be home. I don't know where he's going to be after that, and if we don't move now, I may have to find him all over again. I recommend a telephone contact this afternoon, and I think *I* ought to do it."

Pellicano had already spoken to Frazier's wife and identified himself as a reporter; he thought a call from a second party might jeopardize things. Pellicano, in addition to his other skills, is thoroughly experienced in conducting clandestine PSE examinations, and I had given him a complete briefing on the points of interest in this case. I wanted to be in at the climax, but I realized Pellicano was right. I told him to go ahead.

After a couple of anxious hours, Pellicano called me back. He told me to get ready to tape record from the phone. I set up my machine, and Pellicano transmitted the tape of his interview with Buell Wesley Frazier. It was solid gold.

Tony Pellicano grew up in Cicero, Illinois, and he sounds like Chicago—except when he chooses to adopt a different personality. In the interview with Frazier, Pellicano was "Tom MacSwade," a freelance Texas newspaperman. With amazing ease and authenticity, he switched to the accents and idiom of Texas-Arkansas.

PELLICANO: I am a freelance reporter, and I have been working on a story about the effect that the death of John F. Kennedy had on certain people in the Dallas area, and I have been talking to some folks—a lot of folks with the Dallas Police Department—and, you know, some of the people around whose lives were definitely affected by the serious thing that happened.

FRAZIER: Yes.

PELLICANO: And I come across your name, and I thought I would give you a call.

FRAZIER: I see.

PELLICANO: Would you mind answering a few questions for me?

FRAZIER: I guess not.

Pellicano was trying to relax Frazier and get a few irrelevant responses. There was moderate-to-good stress in "I guess not." Pellicano asked whether Frazier could remember the details of what happened on the day of the assassination. His reply, "Yes I can, showed moderate-to-good stress.

PELLICANO: Ok, now, you know, some of the police officers that I talked to over at the Dallas Police Department, they said that, oh, on the date, the twenty-second, you know, when you were arrested, you were brought up there to the Dallas Police Department, you know?

FRAZIER: Yes.

PELLICANO: And, I guess you didn't know what was going on, you know, what was happening with Oswald, did you?

FRAZIER: Well, they told me.

Now the stress had become good. Pellicano changed the subject and asked what sort of person Oswald had seemed to be. Frazier said he was a quiet sort of person, and he only knew him as a fellow employee. The stress dropped back to the moderate-to-good level.

PELLICANO: Did you know he was a Communist or anything like that?

FRAZIER: No, not until after all this, you know. After it happened, you know, lots of things came out, you know.

The stress climbed to good-to-hard. Pellicano got to the subject of November 21, the day before the assassination.

PELLICANO: He asked you, he said, "Wes, I want to go home, and I want to bring out some curtain rods for my room?"

FRAZIER: That is true. Because, you know, he had an apartment, you know, over at Dallas, you know.

The stress hit maximum hard on "That is true," but dropped down to moderate-to-good on the rest of the statement.

PELLICANO: He said, "I want to pick up some curtain rods," and what did you do, drive him on home?

FRAZIER: No, what he did, you know, Thursday he came out. His wife lives out there in Irving, you know, and so, you know, he told me he wanted a ride home out to Irving to see his wife.

I said, "Very well."

So, you know, he did, and he said, you know, on the way out, he said the next morning he is going to bring in some curtain rods, you know, for his apartment over at Dallas. I said, "Very well," you know, so I didn't think anything else about it, you know.

The stress was nearly maximum hard during the entire statement.

PELLICANO: What happened then? What did you do? You picked him up the next morning?

FRAZIER: You know, he come down to where I live, you know, and he got out and walked in, you know, sit down in the car, you know, so, you know, when I got in the car, I glanced at the package, and I didn't think anything about it, and I asked him, I said, "What is that?" And he said, you know, "That is some curtain rods I told you I was going to bring," you know, so I just dropped the subject right there, you know, because I didn't think anything more about it, you know.

The statement began at moderate-to-good stress and stayed at that level until "And he said, you know, 'That is some curtain rods . . .' " at which point it hit maximum hard. The stress then dropped to the good-to-hard level and remained there for the rest of the statement.

PELLICANO: Did he tell you they were curtain rods?

FRAZIER: Right.

PELLICANO: I mean, did it look to you like it was a package of curtain rods.

FRAZIER: Yes, it did.

There was good-to-hard stress in "Right" and hard stress in "Yes, it did." Pellicano led the conversation into a discussion of curtain rods

by saying his wife had just bought some the other day. The stress dropped to moderate. Then there was more talk of Oswald, and Frazier offered the view that he had been more intelligent than most people thought. This produced moderate stress. Then Pellicano got back to the subject of the package of curtain rods.

PELLICANO: Well, when you went to work, did he take that package up with him into the building?

FRAZIER: Yes, he did.

There was maximum hard stress.

PELLICANO: Did you see where he put it?

FRAZIER: No, because he walked on ahead.

There was good-to-hard stress.

PELLICANO: Did he tell you he was going to go home with you that night?

FRAZIER: What night was that?

PELLICANO: That is the Friday, you know, the day that the president died.

FRAZIER: No, because he come up with some theory about—I asked him about this. He said he had to go get his driving license.

Maximum hard stress appeared.

Pellicano asked Frazier about the polygraph examination he had been given. Showing only moderate stress, Frazier gave a detailed description of being hooked up to the instrument and interrogated by a detective.

PELLICANO: There was nobody else in the room with you?

FRAZIER: That is correct.

Maximum hard stress appeared.

PELLICANO: Well, what did he do, ask you all them questions that he asked you before?

FRAZIER: Right. That is true.

There was moderate stress.

PELLICANO: And did he tell you that you passed the test?
FRAZIER: Yes, he did. He said I did very well.

There was maximum hard stress.

Pellicano said he was sure that was so, and they talked further about the polygraph and what it was like to take the examination. Then Pellicano asked another question:

PELLICANO: Do you know Paul Bentley?
FRAZIER: Paul Bentley?
PELLICANO: Yes.
FRAZIER: No, I don't.

There was maximum hard stress in both of Frazier's replies. The form of his response is also interesting. I have asked the same question of several people who, I am sure, never heard of Paul Bentley. Without exception, their response was, "Who is Paul Bentley?" They didn't recognize the name, but they wanted to know the connection in which I expected they might know him before saying they've never heard of the man. But Frazier's denial was immediate and unhesitating.

Frazier's story differed in one point from the official Dallas police account of the events of November 22: he denied that he had been brought back from Irving to take the polygraph examination. According to Frazier, he was brought back to answer some questions that the police had forgotten to ask. The polygraph test, said Frazier, was given before his first trip to Irving in the police car.

FRAZIER: I remember they had me come back, and they asked me a couple other questions, and I satisfied them, and they let me go.
PELLICANO: But, when you came back, you didn't take the lie-detector test? You took the lie-detector test before you went?
FRAZIER: Right. That is true.

Frazier may simply have become confused in his recollection of the swirl of events surrounding him that night, especially since he was frightened. Or he may have deliberately inverted the true sequence of events to minimize the implication that Captain Fritz had

doubted his word. And if the latter explanation is so, it does not necessarily demand a sinister interpretation. But, whatever the reason for Frazier's revision, the statement "Right. That is true," shows good-to-hard stress.

Pellicano asked Frazier if he knew before the assassination that Oswald owned the Mannlicher-Carcano rifle.

FRAZIER: Well, actually, to tell you—I never saw it, you know. They found it in the building, you know, after the president was shot, you know.
PELLICANO: You never knew he had this gun, then?
FRAZIER: That is true.

This produced good-to-hard stress.

PELLICANO: Did the police ever ask you did you ever know if he had a gun or nothing?
FRAZIER: They asked me that, and I told them I didn't know, you know, because I told them I never had been over to the man's——
PELLICANO: I'm talking about way before this thing ever happend. Did any police ever come up to you and ask you to get his gun?
FRAZIER: Oh, no.
PELLICANO: Never happened?
FRAZIER: No, never happened.

This produced hard stress.

Pellicano skillfully led the interview to each of the points of interest without ever adopting an accusatory manner. In his role as "a good old boy," who wanted to "get a lot of things out so all these Yankee dudes that have been writing the other stories can shut up a little bit," he was superb.

Although he obviously did his best in finding Frazier and conducting the interview, I don't think Pellicano really believed there was anything to the case until later that Saturday evening. I had been analyzing my copy of the tape with the PSE, and Pellicano had been doing the same thing with the original in Chicago. He had been jubilant when he called to report on his interview and transmit the

tape, but he sounded quite subdued when he called back later that evening.

"Every one of the points you listed; he stressed on every one of them."

I said I had gotten about the same results with my own PSE.

"My God almighty," he said quietly.

What role did Buell Wesley Frazier play in the events of November 22, 1963? He was a nineteen-year-old laborer, placed by fate—or some other influence—in the company of Lee Harvey Oswald. Could Frazier have been a conspirator, given the job of implicating Oswald in the assassination? It seems unlikely. There is nothing in his background to suggest the criminal or the fanatic. Attempting to recruit the teenager into an assassination plot would have been a reckless and foolish act. Safer methods could produce the desired effect.

Consider this hypothetical problem: How could a conspirator, seeking to implicate Oswald, arrange to have him go to Irving on Thursday afternoon and bring his rifle to the book depository on Friday morning?

Suppose that a policeman quietly approached an employee of the book depository and told him that Oswald was a Communist and a dangerous radical. Suppose he said that Oswald owned a rifle and was suspected of using it in some crime, but the police could not obtain the weapon through formal, legal means. Suppose the officer asked the man to get the rifle for the police through some pretext in order to make ballistics tests. And suppose Oswald's co-worker agreed to this. What kind of pretext would work?

Oswald had bought the cheap rifle sight unseen from a mail-order house in Chicago. After it was delivered and he had an opportunity to examine it, he probably realized that the weapon wasn't worth even the $12.78 he paid for it. And so the Mannlicher-Carcano lay in disuse in Mrs. Paine's garage, wrapped in an old blanket. He should have welcomed an opportunity to sell it. Oswald may have recovered his investment on November 22; there was $13.00 in his wallet when he was arrested.[1]

Oswald made a special trip to Irving on Thursday to get the rifle, perhaps because the buyer said he needed it for a weekend hunting trip. The trip to Irving cost Oswald nothing but time, since Frazier

demanded no payment for driving Oswald back and forth.[2] Having found a buyer for the weapon, Oswald would naturally want to complete the transaction before the man changed his mind.

If this was in fact how things happened, then Oswald did not invent the "curtain rod story." But what about Frazier?

On the evening of November 22, Buell Wesley Frazier was in a far from enviable position. Rumors and suspicions of conspiracy were rampant throughout Dallas and the nation. Lee Harvey Oswald was presumed to have been the assassin, and the threads of a conspiracy were sought among those who were in any way associated with him. Frazier was Oswald's co-worker in the book depository, a neighbor of Oswald's wife, and the person who had chauffered Oswald on the sinister trip to Irving. The alleged assassin and the purported murder weapon had been brought to the scene of the crime in Frazier's car that very morning.

The Dallas police did not simply bring in Frazier for questioning; they *arrested* him. They searched his automobile and his home, and they confiscated his British 303 rifle, the same type weapon that was first reported by the media to have been found in the book depository.[3]

The Zapruder film and the autopsy evidence suggests that there was more than one assassin. It seems likely, then, that more than one potential fall guy had been selected, and on the evening of November 22, Buell Wesley Frazier appeared to be, after Oswald, the leading candidate. It remained only for someone to find a pristine slug from Frazier's .303 rifle on the floor of Parkland Hospital or buried in the soil in Dealey Plaza,* and Frazier could have been thrown into the

*The Dallas *Times-Herald* reported on November 24, 1963, "Dallas Police Lt. J. C. Day of the crime lab estimated the distance from the sixth-floor corner window the slayer used to the spot where *one of the bullets was recovered* (emphasis added) at 100 yards." Since the Warren Report claimed that the only bullets found were the fragments in the presidential limousine and the intact bullet on the floor of Parkland, I hoped to ask Lieutenant Day about this when I spoke to him in June 1973. Unfortunately, Lieutenant Day, who had agreed to be interviewed, broke off the interview and referred me to the Warren Report when I began by asking him if more than one rifle had been found in the Texas School Book Depository. Lieutenant Day was

Dallas city jail beside Oswald. If Frazier had not told Captain Fritz the curtain-rod story, if he reported that the trip to Irving to retrieve the Mannlicher-Carcano had been instigated by a Dallas policeman, if he said that he had been an unwitting dupe in the framing of Oswald, would the trap have been sprung? Would the world have awakened on November 23 to learn that Oswald's "accomplice" had been arrested by the Dallas police?

These are, of course, questions and not answers. And they are hypothetical questions, at that. The PSE is not an infallible instrument, and no matter how striking the stress analysis of the Pellicano-Frazier interview may seem, it does not prove beyond all doubt that this reconstruction of events is correct. But there are other questions, far from hypothetical, and they suggest no obvious, innocent answers:

Why did Detective R. D. Lewis deny any recollection of being called from his home in the middle of the night to give a polygraph examination related to the investigation of a presidential assassination? Why did Detective Richard Stovall deny being present during the test? And why did Lt. Gerald Hill claim that Captain Fritz didn't believe in the polygraph and that, therefore, the examination couldn't have taken place?

The midnight polygraph examination of Buell Wesley Frazier lies at the very heart of the mystery of November 22, 1963. Why does it provoke hard stress, false statements, and curious lapses of memory among the Dallas police officers who should be the most familiar with it? Unless and until the government meets its responsibility to reopen the case of the assassination of President Kennedy, the answer to these questions can only be the darkest speculation.

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head of the crime scene search section and had custody of all the physical evidence linking Oswald to the shootings of President Kennedy and Officer Tippit.

12 DON'T EMBARRASS THE BUREAU: A THEORY

> "A crime," Father Brown said slowly, "is like any other work of art . . . every work of art, divine or diabolic, has one indispensible mark—I mean, that the centre of it is simple, however much the fulfillment may be complicated.
>
> ". . . Every clever crime is founded ultimately on some one quite simple fact—some fact that is not itself mysterious. The mystification comes in covering it up, in leading men's thoughts away from it."
>
> —G. K. Chesterton: *The Queer Feet*

> When you have eliminated the impossible, whatever remains, however improbable, must be the truth.
>
> —Sherlock Holmes

Every student of mathematics learns that a set of simple equations cannot be solved if there are more unknowns than equations. Give him two equations with three unknowns, and he will find no answer, or he will find an infinite number of different answers, which is the same thing. But add the third equation, and he will be able to eliminate, in turn, the x, the y, and the z and find the unique solution to his problem.

Human puzzles rarely offer the crisp clarity of mathematics, but the mystery of Dallas seems in many ways like a set of 99 equations containing 100 unknowns. President Kennedy was murdered while riding in a motorcade; Oswald was shot by Jack Ruby in the basement of the Dallas City Hall: these things we know for certain, because they happened to be recorded on film and videotape. Beyond them, nearly everything must be assigned some relative degree of credibility

or doubt. An infinite variety of mutually exclusive theories can be postulated to explain the same set of facts. Speculation leads nowhere because it leads everywhere.

My own investigation has focused on a single unknown, perhaps the most important one in the Dallas equations: did Lee Harvey Oswald assassinate President Kennedy? Reviewing the official account and the work of many other private assassination researchers, I found that there were serious flaws in the case against Oswald. In analyzing the recorded statements of those witnesses whose testimony was most damaging to Oswald, I found a consistent pattern of the stress normally associated with deception, and several of the witnesses I personally interviewed made serious misstatements of fact. Finally, three prominent lie-detection specialists have confirmed my analysis of Oswald's own statements regarding his innocence. The reader must reach his own conclusion, but mine is that, beyond any possibility of a reasonable doubt, Lee Harvey Oswald did not kill President Kennedy.

But settling the question of Oswald's innocence also solves several other unknowns which follow as a natural consequence. The evidence implicating Oswald did not come about by chance. Oswald could not have been the victim of circumstance; he must have been the victim of people who deliberately implicated him in the assassination. The physical evidence was collected and examined by the Dallas police. The witnesses against him were first located and questioned by the Dallas police. The Warren Commission's case against Oswald was essentially the case that had been built by the Dallas police as of November 23, 1963. The conclusion seems inescapable that at least some of the people who framed Lee Harvey Oswald were members of the Dallas police.

The framing of Lee Harvey Oswald tells us something about the assassination conspiracy. As Justice Warren pointed out, there were two general conspiracy theories—foreign Communists or domestic right-wing radicals. Oswald had very obvious ties to the Soviet Union, Castro's Cuba, and domestic Communist organizations. If he were framed as the assassin, we must look in the opposite political direction for the real murderers. It is an understatement to say that, as a group, American policemen of the 1960s tended more toward the political

right than the center or left. This was especially so in the South. While it seems unlikely that the Dallas Police Department employed many members of the American Civil Liberties Union, the Americans for Democratic Action, or the Communist party, the force may well have included members of the John Birch Society, the Minutemen, or the Ku Klux Klan. This proves nothing, but it is consistent with the conclusion that the assassination was a right-wing parapolitical action.

But if the conspiracy involved a few right-wing extremists who happened to be in the Dallas Police Department, does it stop there or extend further? Was the operation ordered by the Klan, Texas oil interests, or elements of the FBI or the CIA? Unfortunately, the psychological stress evaluator is not a crystal ball: I cannot offer any conclusive answers to these questions. But I can suggest a hypothesis, which, if it does not offer a comprehensive theory of the assassination, at least explains a great many loose ends. The hypothesis is: Lee Harvey Oswald worked as an informer for one or more FBI agents in the Dallas area.

Reports that Oswald worked for the FBI began to be heard only a few weeks after the assassination. President Gerald Ford (then a congressman), who served on the Warren Commission, wrote in his book *Portrait of the Assassin:*

> No sooner had the Commission investigating President Kennedy's assassination assembled its staff and tentatively outlined methods of operation than it was plunged into an astounding problem. On Wednesday, January 22, the members of the Commission were hurriedly called into emergency session by the chairman. Mr. J. Lee Rankin, newly appointed General Counsel for the Commission, had received a telephone call from Texas. The information was that the FBI had an "undercover agent," and that that agent was none other than Lee Harvey Oswald, the alleged assassin of President Kennedy![1]

The incident began when Rankin received a telephone call from Waggoner Carr, the attorney-general of Texas. Carr passed on to Rankin a report that Oswald had been "an undercover agent" for the FBI since September 1962 and had been paid $200 per month from

an account designated "No. 179." Carr said that the source of the report was Henry Wade, the Dallas district attorney.[2]

The January 22 commission meeting was hurriedly called to discuss the report. During the meeting Carr was again contacted and asked if he could identify the ultimate source of the story. Carr replied that he had spoken to District Attorney Wade, who "had been unable or unwilling to specify the source of this allegation in more detail."[3]

Two days later, Chief Justice Warren and Lee Rankin met in Washington with Carr, Wade, Dallas Assistant District Attorney William Alexander, and two prominent Texas attorneys, Leon Jaworski* and Robert Storey. The Texans reported that the rumors of Oswald's FBI affiliation were circulating among newspapermen in Texas, and may have originated with Alonzo Hudkins of *The Houston Post.* Wade added that he had also heard a report that Oswald had been a CIA informant and was designated by the Agency as No. 110669.[4] Wade had been an FBI agent from 1939 to 1943, and he said that, based on his own experience, he knew the FBI would pay such an informer in cash and would keep records on him by number, not by name. The Texans offered several bits of circumstantial evidence of Oswald's FBI connection, including his use of post-office boxes and aliases, a two-hour interview of Oswald by the FBI in September 1962 during which, presumably, he was recruited, and the fact that Oswald had in his notebook the name, address, and telephone number of an FBI agent, plus the license-plate number of his automobile. [5]

After the meeting, the lawmen returned to Texas, leaving behind a severely shaken chief justice. Warren scheduled a meeting of the commission for the following Monday to decide how to deal with the problem. During the weekend, the story of Oswald's alleged FBI affiliation began to surface in the Eastern press.[6]

*The same Leon Jaworski became special Watergate prosecutor ten years later, after Nixon removed Archibald Cox from that post. In 1963, Jaworski and Storey had been selected by Carr to conduct a Texas court of inquiry into the assassination. When this was cancelled after President Johnson appointed the Warren Commission, the two were assigned a liaison role between the commission and the Texas state government.

The commission met at 2:30 P.M. on Monday, January 27, 1964. Except for Rep. Gerald Ford, the full commission was present, as well as Counsel Rankin and a stenographer. The words spoken behind those closed conference-room doors became part of the top secret record of the Warren Commission, locked away from public view until its unexplained release ten years later, in June 1974.[7]

The transcript shows that the meeting began with J. Lee Rankin reviewing the situation for the commissioners, starting with the telephone call from Attorney-General Carr on the previous Wednesday. Rankin revealed that he had actually received a report on the FBI-Oswald matter from the Secret Service the day before the Texas official called him. Apparently Rankin hadn't noticed the report buried in a bunch of other Secret Service documents.[8]

The Secret Service report contained essentially the same information the Texans volunteered, but it gave as its source a Dallas deputy sheriff named Allan Sweatt. Noting the date on the report, Rankin expressed some concern that nearly three weeks had passed before it was turned over to the commission. "We wondered whether the Secret Service was withholding something from us, since they had this in their hands clear back on January 3, the date of the report. The explanation since has been that they were trying to check it out." In fact, the Secret Service had gotten the information from Sweatt in mid-December, nearly six weeks earlier. Rankin observed, "it seemed like kind of a long period since they hadn't gotten any further report from Mr. Sweatt at all."[9]

But resolving such minutiae was far from the minds of the commissioners. Even the question of whether or not Oswald had been employed by the FBI seemed of secondary importance. The problem that loomed paramount in the minds of the six commission members and their counsel seemed to be: How is the commission to deal with the rumors of an FBI-Oswald link without displeasing J. Edgar Hoover? The commission apparently tried to toss the hot potato to the Justice Department, but it was quickly tossed back:

> MR. MCCLOY: Willens [the commission's Justice Department liaison] has indicated that [Deputy Attorney-General] Katzenbach says they will be greatly embarrassed.

MR. RANKIN: Greatly embarrassed.

MR. MCCLOY: Greatly embarrassed.

SEN. RUSSELL: If what?

MR. RANKIN: If the Attorney General were asked to check this out and then report to us.

JUSTICE WARREN: But they seem to think there would be no embarrassment for us to check it out ourselves. They think that is all right, they think it is all right for us to do that. Now, my own thought is this—I am not going to be thin-skinned about what Mr. Hoover might think, but I am sure that if we indicated to Mr. Hoover that we were investigating him he would be just as angry at us as he was, or would be at the Attorney General for investigating him.[10]

The attorney-general in question was Robert Kennedy, the murdered president's brother, and there is ample record that Hoover's feelings toward him were far from friendly. Justice Warren was probably wrong; no matter how much the FBI director might resent outsiders probing his agency, he would feel infinitely more bitter if the intruder were Robert Kennedy. Katzenbach told Rankin that such an action by Kennedy would "make very much more difficult for him to carry on the work of the Department for the balance of his term."[11]

The core of the commission's dilemma was this: whether to investigate the rumor or to ask Hoover about it? The commission really had no investigators of its own; it relied on the FBI to locate and interview witnesses. If the commission's staff lawyers tried to conduct their own probe of the alleged FBI-Oswald link, word would surely get back to Hoover that the commission was, in effect, investigating his agency. On the other hand, if the commission approached Hoover directly with the allegation, he would certainly offer his assurances that it was untrue; then any further probing by the commission would be an implicit impeachment of Hoover's word. Faced with the taboo against hurting the feelings of J. Edgar Hoover, there seemed little the Warren Commission could do to explore this aspect of the assassination.

In fact, limited as they were to the investigative services of the

FBI, the commissioners felt that they could not adequately explore any aspect of the assassination. After Commissioner John McCloy referred to some discrepancies in the FBI's version of the assassination, the following exchange took place:

MR. RANKIN: Part of our difficulty in regard to it is that they [the FBI] have no problems. They have decided that it is Oswald who committed the assassination, they have decided no one else was involved, they have decided——

SEN. RUSSELL: They have tried the case and reached a verdict on every aspect.

REP. BOGGS: You have put your finger on it.

MR. MCCLOY: They are a little less certain in the supplementals than they were in the rest.

MR. RANKIN: Yes, but they are still there. They have decided the case, and we are going to have maybe a thousand further inquiries that we say the Commission has to know all these things before it can pass on this. And I think their reaction probably will be, "Why do you want all that? It is clear."

SEN. RUSSELL: "You have our statement, what else do you need?"

MR. MCCLOY: Yes, "We know who killed cock robin." That is the point. It isn't only who killed cock robin. Under the terms of reference we have to go beyond that.[12]

Defenders of the Warren Commission often point to the months of work that went into its report, the hundreds of witnesses who gave testimony before it, and the exhaustive investigation carried out by the FBI on its behalf. It is disquieting now to learn that as of January 1964, before even a single witness had testified and seven months before the writing of the final report, the FBI had adopted an adversary position toward the Warren Commission and, in the words of Senator Russell, "tried the case and reached a verdict on every aspect."

The commission may have hoped that the FBI-Oswald rumor would just go away, but it was already obvious that it would not. An article raising the question had appeared in *The Nation*, and reports of Oswald's FBI employment had been published in the *New York*

Times. McCloy noted, "This is going to loom up in all probability to be one of the major issues of the investigation . . . we are going to have to have a very solid record on it."[13] And Rankin observed, "I don't see how the country is ever going to be willing to accept it if we don't satisfy them on this particular issue, not only with them [the FBI] but with the CIA and every other agency."[14] But the commissioners could not have been very encouraged by the remarks of one of their number who happened to be a former director of the CIA.

MR. DULLES: There is a terribly hard thing to disprove, you know. How do you disprove a fellow was not your agent? How do you disprove it?

REP. BOGGS: You could disprove it, couldn't you?

MR. DULLES: No.

REP. BOGGS: I know, ask questions about something——

MR. DULLES: I never knew how to disprove it.

REP. BOGGS: So I will ask you. Did you have agents about whom you had no record whatsoever?

MR. DULLES: The record might not be on paper. . . .[15]

Boggs then asked Dulles if the intelligence officer who recruited an agent wouldn't know of his employment.

MR. DULLES: Yes, but he wouldn't tell.

JUSTICE WARREN: Wouldn't tell it under oath?

MR. DULLES: I wouldn't think he would tell it under oath, no.[16]

It seemed to come as a surprise to the other commissioners to learn that secret agents sometimes lie, even under oath. As if to remove any doubt about his implication, Dulles added, "What I was getting at, I think under any circumstances, I think Mr. Hoover would say certainly he didn't have anything to do with this fellow."[17]

In other words, the commission couldn't expect to get at the truth simply by going to Hoover and asking him about it. Hoover would deny it whether or not it was untrue.

The commissioners spent a good deal of time debating the merits of summoning Alonzo Hudkins, the Houston reporter said by the Texas officials to be the source of the rumor, and examining him

under oath to learn his source. They anticipated that Hudkins might claim a journalist's privilege to protect confidential sources, and, although they realized that such a privilege is not guaranteed in the law, they seem to have feared the publicity such a confrontation might have generated. In fact, the commissioners seemed to worry that even raising the question with Hudkins would give him material for a story they wouldn't like to see printed. "Now this man Hudkins published an article in January," said Senator Cooper, referring to a story Hudkins had written about the FBI-Oswald link. "But if he were brought before us and put under oath and testified then he could publish whatever he wanted to about his testimony."[18]

Considering the amount of time the commission members agonized over how to go about learning the source of Hudkins's information that Oswald was an FBI informer, it seems surprising that their counsel, J. Lee Rankin, didn't tell them that he already knew. Sometime after the January 27 meeting Rankin wrote an undated memorandum for the files entitled "Rumors that Oswald was an undercover agent." The memo was released by the National Archives a few years ago, and in it Rankin states that on January 23 he received word of a Secret Service interview with Hudkins in which the reporter said he got the FBI-Oswald story from Allan Sweatt, the Dallas deputy Sheriff mentioned in another Secret Service report as the source of the story.[19]

If Rankin had related his discovery to the commissioners, they would surely have dropped the question of interviewing Hudkins and, instead, thought about summoning Sweatt to ask about his source. And if they had, Rankin could have answered that question as well: according to his memorandum, he received an oral report on the previous Friday from a Secret Service agent who had interviewed Sweatt. The deputy named his source as William Alexander, the assistant district attorney who had accompanied Wade and Carr to Washington.[20]

That this morsel would have fascinated the commissioners can be guessed from the following exchange:

REP. BOGGS: What role did this man Alexander play in this?

MR. RANKIN: Well, it appeared to have started earlier than—

he was as active, but it is possible, I don't know——

JUSTICE WARREN: I think he is the fellow who blew the whistle so far as this Commission is concerned. I think that is where Carr got his information, don't you think?

REP. BOGGS: From Alexander?

JUSTICE WARREN: From Alexander, yes. And Alexander was up here and sat in that chair, and said that it wasn't exactly the way Carr had presented it, that there were two different things. One, that was involved in Carr's story to Lee [Rankin]. One of them had to do with the hearing in chambers on some papers they wanted from the [Jack Ruby] defense, and then after that was over he went out into the corridor and then down to the press room and he said they were all talking about it then, he said all the press were, it is a matter of common knowledge among the press, this rumor, and he just shrugged the whole thing off, and Carr was sitting where the Senator is and he didn't object to anything that Alexander said, although it varied radically from what he told you [Rankin] a day or so before.[21]

All this is very strange. The commission first heard of the FBI-Oswald rumor from Texas Attorney-General Waggoner Carr, and he, in turn, said he heard it from Dallas District Attorney Henry Wade. Then Carr and Wade met with Justice Warren, and they brought along Wade's assistant, William Alexander. Alexander turned out to be the real authority on the matter, and he attributed the story to the press in general and Alonzo Hudkins in particular. But Hudkins got the story from Deputy Sheriff Sweatt, and Sweatt said he got the story from Bill Alexander. All roads lead to the assistant district attorney. The rumor that caused the Warren Commission so much anguish seems to have originated with the same man who "blew the whistle" on it for the commission. Curious.

The evidence suggests that Alexander caused the story to be planted in the press and then, after it surfaced, called it to the Texas attorney-general's notice so that he would report it to the commission. Next, Alexander visited the commission with Carr and Wade to present several circumstantial items in support of the rumor. While these actions seem very strange, they are nothing compared

to J. Lee Rankin's failure to call Alexander on the carpet and demand to know just what the hell kind of game he was playing.

Since there is no record of that question being asked, we can only search for a motive by analyzing the effect of the rumor that Oswald was an FBI informer. In theory, such a connection would be completely irrelevant to Oswald's purported role as assassin. The FBI does not claim to select its informers on the basis of character or stability, but rather because they are involved in some group or organization of interest and may be persuaded to provide information about it for pay. By definition, FBI informers are usually the kind of people who do the the very things the FBI investigates. The FBI may use them, but it doesn't vouch for them. In reality, however, revelation that Oswald had been a paid FBI informer would have been disastrous for the Bureau.

The Federal Bureau of Investigation was not only the creation of J. Edgar Hoover, it was an extension of his personality. During the nearly four decades before the assassination, Hoover had devoted himself completely to his organization. A bachelor, Hoover had no family to compete for his attentions. The FBI was his child, it would be the only thing Hoover left behind. Hoover's formula for building the power of his organization was basically simple: first, be very good; second, seem infallible. More than any other public official of his time, Hoover had mastered the art of public relations. The books, magazine articles, radio and television programs that promoted the myth of the FBI were done with the full cooperation of Hoover and his press aides. By 1963, the sixty-eight-year-old Hoover and his FBI had become legend.

But the image of the FBI had already been damaged by the assassination. Hoover was smarting under criticism that the Bureau had failed to make available to the Secret Service and the Dallas police its information on Lee Harvey Oswald. The charge that Oswald had been on the FBI payroll, that he may even have purchased the rifle and ammunition that killed the president with money paid to him by the FBI, could have been fatal to the public image that Hoover had labored so long to create. Hoover himself must have reacted to the rumor with personal outrage; one can envision the wave of terror that swept down through the Bureau when he heard

about it. If Oswald had been recruited to work for the FBI, who would have had the courage to tell this to the director?

The visit of Wade and Alexander to the commission and the consequent inquiry to J. Edgar Hoover must have had a disruptive effect on the FBI investigation in Dallas. Suppressing the rumor of an Oswald-FBI connection would have taken priority over the assassination probe.* If the FBI investigation had begun to develop information that Oswald was framed by members of the Dallas Police Department, would the Bureau have been charged with covering up for one of its own? For such a threat to be effective, someone had to have hard evidence to make the charge stick, conclusive proof that Oswald did work for the FBI. Let us examine the facts that suggest this.

The first contact between Oswald and the FBI apparently took place on June 26, 1962, shortly after he returned from the Soviet Union.[22] The Fort Worth office of the Bureau called him in for a two-hour interview, the ostensible purpose of which was to determine why Oswald had gone to Russia and whether he had been asked to work for Soviet intelligence. The official FBI report written after this interview shows that the Bureau had conducted an intensive investigation into Oswald's background and viewed him as a subject of considerable interest.[23] Considering Oswald's history, this does not appear unusual.

Oswald was next contacted by the FBI about two months later on August 15. There is nothing remarkable about such a follow-up interview, but the method used by the agents in approaching Oswald seems somewhat unusual: they set up a stake out in an automobile near his home and approached him as he walked down the street.[24] The agent who was in charge of the case, John Fain, testified that he had chosen this approach to demonstrate to Oswald that the FBI wasn't trying to embarrass him, and "we felt if we talked to him there

*Some readers may find this statement excessively cynical; however, those familiar with the workings of bureaucracies in general and intelligence agencies in particular will recognize its truth. Many intelligence officers and agents who risk life and limb in their country's service would not similarly jeopardize their careers or pensions.

in the car informally, he would better cooperate with us."[25]

This doesn't seem to make sense. Fain didn't explain why he thought Oswald would be less embarrassed by being accosted on the street near his home than by being visited at his apartment. In fact, Fain said that Oswald invited the agents into his apartment:

> FAIN: Actually he invited us in when we stopped him. He said, "Won't you come in the house?" And I said, "Well, we will just talk here. We will be alone to ourselves and we will be informal, and just fine." So he got in the car with Agent Brown.[26]

In this statement Fain seems to have presented a more plausible reason for sitting in a car with another FBI agent and waiting for an indefinite period until Oswald appeared on the street: the agents had something to discuss with Oswald that they did not want overheard. Talking to him in the automobile insured their own privacy.

Assuming that the FBI agents approached Oswald to recruit him as an informer, how would they have gone about it? Based on their reports, Oswald's attitude toward them was neither completely hostile nor fully cooperative. In the first interview he was "a little insolent" and would not discuss his reasons for going to Russia, [27] but during the second interview he agreed to notify the FBI if he were ever contacted by Soviet intelligence.[28] Oswald had become disillusioned with the Soviet Union, but he continued to espouse marxism after his return to the United States, so he probably would have resisted any suggestion that he inform on domestic leftist groups.

However, Oswald had at least one vulnerable point, and this came across loud and clear in FBI Agent Fain's report of the second interview:

> . . . OSWALD stated the American Embassy [in Moscow] tried to persuade him to return to the United States alone, and without his wife, MARINA. He told the Embassy he could not do that. The Embassy reportedly pointed out to OSWALD it would be a difficult matter to obtain a passport for OSWALD's wife, who was a Russian. The Embassy tried to influence him to come back alone, find a job, get established, and later send for his wife. OSWALD stated he refused to follow this course. He told the American

Embassy he feared he would never see his wife again if he left her in Russia.[29]

A recent study of FBI informers groups such people into several categories and discusses one in particular: "Another equally unreliable group [of informers] lives under the shadow of some prior cloud: fear of being charged as an accomplice, of deportation, of perjury charges."[30]

Marina Oswald was not a United States citizen. She was admitted to the United States at the pleasure of the government. She could be ejected at its displeasure. And she meant enough to Oswald that he refused to leave the Soviet Union without her. Whether or not they used it against him, the agents must have realized they found a nerve.

Did the FBI threaten Oswald with Marina's deportation? According to Oswald, they threatened Marina herself. After his arrest, Oswald was first interrogated by Captain Fritz, who was shortly joined by an FBI agent, James Hosty. Hosty had been assigned Oswald's case when Oswald returned to Dallas and had visited Mrs. Ruth Paine and Marina some weeks before the assassination. According to Fritz, Oswald became enraged when Hosty identified himself, and "he beat on the desk and went into a kind of tantrum."[31]

> BALL: Was there anything said about Oswald's wife?
>
> FRITZ: Yes, sir. He said, he told Hosty, he said, "I know you." He said, "You accosted my wife on two occasions," and he was getting pretty irritable. . . . I asked him what he meant by accosting, I thought maybe he meant some physical abuse or something and he said, "Well, he threatened her." And he said, "He practically told her she would have to go back to Russia."[32]

Given that the FBI had the motive and means to recruit Oswald as an informer, what other evidence exists to suggest that it actually did? One of the strongest supports for this thesis is an incident that occurred several months before the assassination in August 1963.

Oswald was arrested for disturbing the peace while distributing pro-Castro leaflets in New Orleans. While in custody, Oswald asked to speak to an FBI agent. Special Agent John Quigley of the New

Orleans office visited Oswald in jail and interviewed him. When Quigley testified before the commission, he said that he had never heard of Oswald before that meeting, he did not know why Oswald had asked to see an FBI agent, and Oswald did not explain this during the interview.[33] Quigley interviewed Oswald for an hour and a half,[34] during which time Oswald discussed his activities in the Fair Play for Cuba Committee and his dealings with a local member of that committee named A. J. Hidell.[35]

If Quigley's story is accepted at face value, Oswald's actions are incomprehensible. A pro-Castro activist is arrested while leafletting, and he immediately asks to talk to an FBI agent, to tell him about the Fair Play for Cuba Committee and A. J. Hidell. Yet this could have been exactly what happened if Oswald was working as an informer for the FBI's Dallas office.

Oswald was arrested after an altercation with some anti-Castro Cubans who objected to his leafletting. The charge was disturbing the peace, and Oswald may have been afraid that he was going to spend a few weeks in jail as a result. Declaring his informer status to the local FBI might have seemed a possible breach of security, but requesting an interview with an agent was a discreet way of letting the Bureau in Dallas know where he was. Quigley would have been the unwitting messenger.

Since "A. J. Hidell" was the only name Oswald mentioned to Quigley in his discussion of the New Orleans Fair Play for Cuba Committee, it may have had some special significance. Specifically, Hidell may have been the pseudonym Oswald used in connection with his informer activities. As J. Edgar Hoover explained in an affidavit to the commission: "An informant is assigned a permanent symbol number and a code name to afford him security. . . . The individual also is given a fictitious or cover name by the field office which he, of course, is made aware of, and he affixes it to his communications with the office."[36]

Quigley's report on the interview with Oswald, including his mention of the Hidell name, would have been routinely put into the FBI's information network. Since Oswald told the agent he had recently moved to New Orleans from Texas, a copy of the report would have been sent to the Fort Worth or Dallas Bureau office. Normally this

entire process would require several days, so it cannot explain the fortunate developments that immediately followed Quigley's visit to Oswald: Oswald was released on bail that same day; two days later he went to court and was charged with "creating a scene."[37] He pleaded guilty and was given a ten-dollar fine.[38] But in view of the minor charges against Oswald, such leniency is not too unusual. The remarkable feature of the New Orleans arrest episode is Oswald's request to see an FBI agent and the substance of the consequent interview.

The next link between Oswald and the FBI is the presence in Oswald's address book of the name, office address, telephone number, and automobile license-plate number of Special Agent James Hosty. According to the Warren Report, Hosty left his name, address, and phone number with Mrs. Ruth Paine so she could contact him, but she passed this information along to Oswald.[39] The license-plate number was allegedly noted down by Marina while Hosty was visiting her and Mrs. Paine. The Report said she had been instructed to do this by Oswald.[40]

There are several problems with this explanation, however. Hosty visited the Paine home twice, on November 1 and November 5, 1963. During the first visit, according to Mrs. Paine, Hosty parked down the street from her house to avoid drawing attention to his visit, and the license plate of his car was not visible from the house.[41] During the second visit Marina was in her room, joining Hosty and Mrs. Paine only just before the FBI agent departed.[42] The commission's investigators established that it would have been impossible for Marina to have read the plate on Hosty's car from her room; they went to the Paine house and unsuccessfully attempted to read the plate on a car parked in front of the house from the window of Marina's room.[43] Marina testified that she copied the plate number for Oswald, but she never explained how she managed to do it.[44]

The fact that Hosty's name and identifying data were in Oswald's address book was not immediately reported to the commission by the FBI. In a December 23 FBI report listing the names in Oswald's address book, the Hosty entry was omitted. The FBI submitted a later report to the commission on February 11, 1964, correcting the omission, but the commission staff already knew of the Hosty entry by then. Meagher points out that the means by which the commission learned of the item is unknown, but it seems not to have been the FBI.[45] The recently declassified documents disclose that the subject of the Hosty entry in Oswald's address book came up in the general discussion on January 24 between Rankin, Warren, and the Texas delegation. While they do not specifically say so, the documents indicate that Wade and Alexander may have been the commission's source for this item.

In his testimony before the commission, J. Edgar Hoover explained that the December 23 FBI report had been prepared for the Bureau's own investigative purposes—implicitly, to check on the individuals listed in the address book—and the Bureau already knew why Hosty's name was in the book, hence the omission.[46] This seems plausible, but not persuasive. This explanation was probably the same one given to Hoover by the Bureau office in Dallas. He may not have been happy with it, but in view of the burgeoning rumors of an FBI-Oswald link, he had no choice but to offer it to the commission.

The theory that Oswald was a Bureau informer explains why the Dallas FBI office did not pass its file on Oswald to the intelligence bureau of the Dallas Police Department. And it also explains why the head of the Dallas FBI office, Gordon Shanklin, blew his stack after Oswald's arrest.

Immediately after hearing of the arrest. Shanklin sent Hosty to police headquarters to sit in on the interrogation.[47] When Hosty arrived at the police station, Shanklin was on the phone to another FBI agent, James Bookhout, who was already at the station.[48] Captain Fritz, who had summoned Bookhout to the phone, listened to the conversation on an extension. Fritz described the conversation for the commission:

> FRITZ: He said is Hosty in that investigation, Bookhout said no. He said, "I want him in that investigation right now because he knows those people he has been talking to," and he said some other things that I don't want to repeat, about what to do if he didn't do it right quick. So I didn't tell them that I even knew what Mr. Shanklin said. I walked out there and called them in.[49]

Fritz did not explain why he chose to eavesdrop on a conversation between the head of the FBI's Dallas office and one of his agents or why this was at the moment more important than interrogating the

suspected presidential assassin sitting across from him. Fritz had a reputation as an extremely astute detective, and he may have already begun to suspect a connection between the Bureau and his prisoner. Fritz had been alone with Oswald for ten or fifteen minutes before the call, and Oswald may have asked to see an FBI agent, just as he did in New Orleans.

The evidence that Oswald was a Bureau informer does not prove that, in fact, he was, so this must remain a theory. But it is a useful theory that explains several minor mysteries about Lee Harvey Oswald. And the theory explains a great deal more with the addition of another hypothesis: That one or more Dallas FBI agents, acting as individuals, helped to frame Lee Harvey Oswald.

There is a hazard inherent in the use of informers or subagents: they are not really members of the agency they work for, and the agents or case officers controlling them become their only channel to the agency. The agent who controls an informer is in an excellent position to use him for his own private purposes.

The Cubans who were caught breaking into the Democratic party headquarters in the Watergate seem to have believed sincerely that the burglary was an authorized CIA operation. They believed this because they were recruited for the job and led by E. Howard Hunt, with whom they had worked before in his capacity as a CIA intelligence officer. They were given cash for their expenses, just as in the authorized operations, and there were no written orders. There never are.

An FBI agent in control of Lee Harvey Oswald could have made Oswald an unwitting accessory to his own frame-up. Specifically, he could have insured that Oswald was alone in some corner of the book depository when the shots were fired so no witness could confirm his alibi. And he could have caused Oswald's suspicious departure from the book depository after the shooting and his visit to the Texas Theatre. It could have been done with the utmost ease and simplicity, and I offer the following scenario as an example of how it might have been arranged.

Oswald had neither a driver's license nor an automobile. In the sprawling urban complex of Dallas-Fort Worth, this would severely limit his mobility. It would be natural, then, to require Oswald to obtain a license and furnish him with a car in order to broaden the

range of his informer activities. In mid-October Oswald began taking driving lessons from Mrs. Ruth Paine.[50] Buell Wesley Frazier testified that Oswald told him he planned to buy a car.[51] Albert Bogard, a Dallas auto salesman, testified that Oswald entered his showroom on November 9 and took a car out for a test drive.

> BOGARD: . . . he told me that he wasn't ready to buy, that he would be in a couple or 3 weeks, that he had some money coming in. And when he finally started to leave I got his name and wrote it on the back of one of my business cards, and never heard from the man any more.[52]

Bogard said he recognized Lee Harvey Oswald's picture in the newspapers as the same man who had visited the showroom[53] and reiterated that Oswald had said he expected some money in two or three weeks:

> BALL: Now, when you got back to the showroom, you said you did some figuring. What kind of figuring?
>
> BOGARD: Just took out some papers and going to write up how much the car would cost and, just like with anybody else, just trying to close the deal, and he said he would have the money in 2 or 3 weeks and would come in and——
>
> BALL: Did you tell him you needed a down payment?
>
> BOGARD: He said he would have it.
>
> BALL: Did you tell him how much?
>
> BOGARD: Yes.
>
> BELL: How much?
>
> BOGARD: Three hundred dollars, I think. And he said he didn't have the money then and would just pay cash for it at a later date.[54]

It should be noted that the date of this incident was one day less than two weeks before November 22.

Thus, according to the scenario, Oswald's FBI control notified him that he would receive funds for the purchase of an automobile sometime during the latter part of November. Arrangements for actual delivery of the money would be determined later. Meanwhile Oswald learned to drive and selected a car.

As an FBI informer, Oswald would have been assigned a reporting

procedure for contacting his control. This could have been a telephone number he was instructed to call at preestablished times on specified days. Since Oswald had no telephone in his furnished room in Oak Cliff, and use of his landlady's telephone would have brought unwelcome attention to his contacts, the most practical arrangement would have been to use a telephone in the book depository. The book depository manager, Roy Truly, happened to be asked about this point by the commission:

> McCloy: Did [Oswald] have the use of a telephone when he was in the building?
>
> Truly: Yes, sir. We have a telephone on the first floor that he was free to use during his lunch hour for a minute. He was supposed to ask permission to use the phone. But he could have used the phone.
>
> Dulles: Pay telephone or office telephone?
>
> Truly: No, sir; it is a regular office telephone. It is a pushbutton type.[55]

Truly's reference to a "pushbutton type" phone indicates that there were several lines on the book depository's office phone, a common feature of business phone services even in small establishments. There were undoubtedly other extensions than the one on the first floor. There was surely an extension in the second-floor offices near the lunchroom where Oswald was seen less than ninety seconds after the shooting. With the presidential motorcade due to pass by on the street outside the book depository during the lunch hour, those second-floor offices would almost certainly have been vacant at 12:30 P.M. on November 22.

By instructing him to be at the phone in the second-floor office to receive a call at about 12:30, the control would be sure that Oswald was effectively removed from public view while the assassination shots were being fired.

But there would still have been a margin for misadventure: the motorcade might have passed a few minutes early or late, and one of the second-floor office employees could have wandered back into the building and gone upstairs. To control these variables, it would have been necessary to post someone on the first or second floors to delay,

through some pretext, anyone who came into the building and headed for the second floor. It would also have been advisable to place the call to Oswald from a phone in or near the book depository, so that the call could be timed to coincide with the motorcade's passage. There is evidence that this was exactly the method used.

An unpublished FBI report now available in the National Archives recounts an interview with NBC newsman Robert MacNeil, who was riding in the press bus several cars behind the presidential limousine. After the shots, MacNeil got off the bus and followed some police officers up the grassy knoll.

> We climbed a fence and I followed the police who appeared to be chasing someone, or under the impression they were chasing someone, across the railroad tracks. Wanting to phone news of the shooting, I left there and went to the nearest place that looked like an office. It was the Texas School Book Depository. I believe I entered the front door about four minutes after the shooting. I went immediately into the clear space on the ground floor and asked where there was a phone. There were, as I recall, three men there, all I think in shirt sleeves. What, on recollection, strikes me as possibly significant is that all three seemed to be exceedingly calm and relaxed, compared to the pandemonium which existed right outside their front door. I did not pay attention to this at the time. I asked the first man I saw—a man who was telephoning from a phone by a pillar in the middle of the room—where I could call from. He directed me to another man nearer the door, who pointed to an office. When I got to the phone, two of the lines were already lit up. I made my call and left. I do not believe any police officers entered the building before me or until I left. I was in too much of a hurry to remember what the three men there looked like. But their manner was very relaxed. My New York news desk has since placed the time of my call at 12.36 Dallas time.[56]

Except for the timing, MacNeil's report fits the scenario perfectly. Three men were waiting calmly on the first floor of the book depository, and one of them was on the phone. One of the trio directed MacNeil to another phone in an office (presumably on the first floor, since MacNeil makes no mention of going upstairs). MacNeil found

that two lines were already in use. The man on the first floor had picked up the telephone, busying the first line, dialed the same number he was calling from, and the call came in on the next available line, ringing the extension in the second-floor office. Oswald picked it up, lighting up the second line, and heard the voice of his Bureau contact. Then MacNeil entered, saw the man on the telephone, was directed to another phone, found two lines in use, and made his call out on a third line.

If MacNeil was right about the timing of this episode, then it happened a couple of minutes too late to fit the scenario; Officer Baker confronted Oswald in the second-floor lunchroom less than ninety seconds after the shooting. Of course, the conspiracy clockwork could have slipped, delaying the call to Oswald. Oswald might have gone to the lunchroom for his Coke while he was waiting, there to be met by Officer Baker. Then, a moment later, he could have returned to the office and received the call. Oswald was seen going into the office after the Baker incident,[57] although there was no report that he used the telephone. But the witness who saw Oswald there considered it unusual: "I thought it was a little strange that one of the warehouse boys would be up in the office at that time. . . ."[58]

In any case the presence of MacNeil's three calm men on the first floor and Oswald's presence on the second floor, support the hypothesis that a prearranged telephone contact was the means by which Oswald was kept out of sight during the shooting. Given that assumption, we might wonder what Oswald was told by his contact during that telephone conversation. The obvious answer is that he was instructed to proceed to the Texas Theatre to meet his contact and receive the money to purchase an automobile.

In almost all countries of the Western world, a motion picture theater is the perfect scene for a "live drop." A Soviet intelligence training manual puts it this way:

> Intelligence officers can make extensive use of movie theatres when organizing agent communications by spending a certain amount of time in them before a meeting. The fact is that there are few people in most movie theatres, especially on weekdays during working hours. Movie theatres located away from the center of the city are often practically empty. Thus, by arriving at a designated time at a previously determined movie theatre and taking advantage of the many empty seats, the intelligence officer and agent can hold a meeting right in the theatre.[59]

But the Soviets didn't invent the idea, and they don't hold a patent on it. The FBI certainly uses the same technique when documents, money, or other material must be passed between agent and informer. The Texas Theatre was near Oswald's Oak Cliff furnished room, and it is likely that he had met his control there several times before November 22.

The Warren Report states that Oswald left $170 with his wife on the morning of the assassination[60] and implies that this was a valedictory gesture by a man who did not expect to return home ever again. It seems less melodramatic, but more plausible, to conclude that Oswald's generosity was prompted by his expectation of receiving a large amount of cash that afternoon. Oswald may have been told he'd be given enough to buy a car and have something left over.

Obviously there was no actual intention of meeting Oswald and giving him any money; the pretext served to get him to the Texas Theatre. His sudden afternoon moviegoing seemed furtive and served to characterize Oswald as a suspicious person, but there was probably a more important reason for luring him to the theater. As the Soviet manual points out, a theater away from the center of town is practically empty during working hours. The semidarkness of the Texas Theatre would have been an excellent place to kill Oswald while he was "resisting arrest." But something went wrong. There may have been more patrons in the theater than expected, the house lights may have been turned up too soon, or perhaps some of the police officers who responded to the report of a suspect at the theater were not in on the game. In any case chance bought Lee Harvey Oswald forty-eight more hours of life.

We might consider the circumstances under which the police were called to the Texas Theatre. Johnny Brewer, the manager of a shoe store near the theater, testified that he noticed a man standing in the doorway of his store.[61] Brewer said the man attracted his attention because, "He just looked funny to me."[62] After the man left the

doorway, Brewer went out onto the sidewalk to look at him, and he testified that he saw the man go into the Texas Theatre without buying a ticket. Brewer called this to the attention of the box-office cashier, who telephoned for the police.[63]

Both the cashier, Mrs. Julia Postal, and the ticket taker, Warren Burroughs, testified that they did not see anyone sneaking into the theater, although they did not challenge Brewer's testimony.[64] Brewer told his story on the CBS tapes,[65] and PSE analysis could not confirm it: there was hard stress throughout most of his statements. Yet Brewer may well have been telling the truth; arranging to have a decoy sneak into the theater without paying seems like an effective means of causing the police to be summoned. The remarkable thing is the number and rank of the law-enforcement officers who responded to the call.

There were, for example, two police captains among the fifteen men who stormed into the Texas Theatre, and one of them was the chief of personnel, Capt. W. R. Westbrook.[66] Westbrook's presence at the theater seems not only incongruous with his normal duties, but also interesting because it was in the company of Captain Westbrook in the personnel office that Sgt. Gerald Hill first heard news of the assassination.[67] Hill and Westbrook then separated, and each followed his own odyssey, both arriving at the Texas Theatre at approximately the same time. Westbrook rode to the scene of the Tippit shooting with William Alexander.*[68] Before arriving at the theater, he stopped to help discover Oswald's jacket beneath a car in a parking lot.[69] Westbrook appears to have taken charge of things in the theater immediately after the arrest.[70] After turning Oswald over to Captain Fritz, the arresting officers, including Paul Bentley and Gerald Hill, met with Captain Westbrook in the personnel office.[71]

But the most interesting member of the small army of lawmen who

*It is not clear from the Warren Commission's testimony whether or not Alexander was present at the arrest in the Texas Theatre. His presence at the scene of the Tippit shooting seems unusual in view of the statement by his superior, Henry Wade: ". . . it has never been my policy to make any investigations out of my office of murders or anything else for that matter. We leave that entirely to the police agency. . . . The only time we investigate is after they are filed on, indicted. . . ." (*Hearings*, Vol. 5, p. 215.)

went to the Texas Theatre was an FBI agent. Gerald Hill mentioned the agent in his testimony before the commission:

> HILL: At about this time Captain Westbrook and a man who was later identified to me as, I believe his name was Barnett, an FBI agent——
>
> BELIN: Would it be Barrett?
>
> HILL: Yes.
>
> BELIN: Do you remember his first name?
>
> HILL: Bob was identified to me later in the day by Captain Westbrook. Came in from, I presume they came in from the north fire exit, which would have actually been coming in from outside, and came over to us, and Captain Westbrook instructed us to get the man [Oswald] out of there as soon as possible.[72]

By all accounts, the police went to the Texas Theatre to arrest a suspect in the Tippit shooting. Why, little more than an hour after the assassination, was an FBI agent assisting in a local police matter?

Hill testified that Barrett entered the theater with Captain Westbrook after Oswald was subdued, but in his radio interview on November 22, Hill told a completely different story:

> . . . then when we got to the library and found out that was another false alarm, the third call came in that he had been seen entering the Texas Theatre. Bob Barnett from the FBI and I went into the theater and everybody else covered off outside.

Hill's statement on the afternoon of the assassination indicates that Barrett took part in the actual apprehension and arrest of Oswald, but in his testimony to the commission several months later, Barrett's role has been reduced to showing up with Captain Westbrook after the excitement was over. Why did Hill change his story? Perhaps because some people were beginning to wonder why an FBI agent was there at all.

But someone in the Dallas police—apparently Captain Westbrook —wanted to make certain that the FBI's involvement was a matter of record. Gerald Hill told the commission about writing up the arrest report and waiting for it to be typed:

When we got it back ready to sign, Carroll and I were sitting there, and it had Captain Westbrook's name for signature, and added a paragraph about he and the FBI agent being there, and not seeing that it made any difference, I went ahead and signed the report.

Actually, they were there, but I didn't make any corrections.

And as far as the report, didn't allege what they did, but had added a paragraph to our report to include the fact that he was there, and also that the FBI agent was there.

Now as to why this was done, your guess is as good as mine.[73]

But apparently the commission didn't even guess about the matter. The staff never asked Captain Westbrook about it when he testified, and FBI Agent Robert Barrett was never called to testify. Barrett's name is mentioned a few times in the Warren Commission testimony, usually in connection with his role in the Bureau's investigation into the possibility of conspiracy.

In fact, the Warren Commission seems to have lost interest quickly in the subject of Oswald and the FBI. The day after it met to consider the matter, it sent J. Lee Rankin to visit J. Edgar Hoover and ask him about it. Hoover denied the story and stated that the name of every FBI informant was known at FBI headquarters.[74] A few weeks later he said the same thing in an affidavit, and, shortly thereafter, similar affidavits were submitted by ten FBI agents who had some contact with the Oswald case.[75]

Gordon Shanklin, the head of the FBI's Dallas office, signed one of the affidavits. He stated only that he had never made or authorized any payment to Lee Harvey Oswald and that he could find no record of any such payment. He omitted the denial, contained in most of the other ten affidavits from FBI officials, that Oswald had been an FBI informer.[76] Apparently the commission was satisfied with that and did not explore the possibility that Oswald's cooperation had been procured through threats to deport Marina, rather than through payment of money.

The FBI investigated itself and assured the Warren Commission there was no truth to the rumors of an FBI-Oswald link. The commission let it go at that. The FBI turned its attention once again to

investigating the assassination. It named Oswald as the killer and found no conspiracy.

If the FBI's investigation was hamstrung by evidence that Oswald was a Bureau informer and indications that some of its own personnel may have been involved in the conspiracy, the Bureau could have become the reluctant accessory to a cover-up. Since the testimony of Marina Oswald, who repeatedly changed her story and contradicted herself, was essential to much of the Warren Commission's case against Lee Harvey Oswald, it is interesting to note that the FBI put considerable pressure on her. Again the lever was the threat of deportation.

> MARINA OSWALD: Sometimes the FBI agents asked me questions that had no bearing or relationship, and if I didn't want to answer they told me that if I wanted to live in this country, I would have to help in this matter, even though they were often irrelevant. That is the FBI . . . I think that the FBI agents knew that I was afraid that after everything that happened I could not remain to live in this country, and they somehow exploited that for their own purposes, in a very polite form, so that you could not say anything after that. They cannot be accused of anything. They approached it in a very clever, contrived way.[77]

Marina's charge is confirmed by Oswald's brother, Robert, who reported the following:

> ROBERT OSWALD: . . . Marina did not want to speak to the FBI at that time. And she was refusing to. And they were insisting, sir. And they implied in so many words, as I sat there—if I might state —with Secret Service Agent Gary Seals of Mobile, Ala.—we were opening the first batch of mail that had come to Marina and Lee's attention, and we were perhaps just four or five feet away from where they were attempting this interview, and it came to my ears that they were implying that if she did not cooperate with the FBI agent there, that this would perhaps—I say, again, I am implying —in so many words, that they would perhaps deport her from the United States and back to Russia.[78]

Marina Oswald has been severely criticized by some skeptics for the way she incriminated her late husband in her testimony before

the commission; for example, much of the case that Oswald attempted to kill Gen. Edwin Walker rests on her statements. However, in view of the situation in which she found herself, her actions are understandable. Oswald was beyond help when she gave her testimony, but the very real prospect of deportation still existed. Apart from her presumed preference for living in the United States rather than Russia, there was the probability that the Soviet government would not have offered her a warm welcome if she returned. Oswald had involved the USSR in an extremely delicate and embarrassing situation, and the Kremlin leaders would not be expected to show any gratitude towards his widow.

In an interview published in March 1974, Marina expressed her fears about returning to the Soviet Union when she was asked if she would ever return there: "Oh, no, they might put me in jail or something. Once you have a taste of freedom you aren't willing to risk it. I never even think about going back."[79]

But considering this, it seems remarkable that she hasn't taken the simplest and easiest step to insure that she will never have to go back: after twelve years in the United States, Marina Oswald still has not become a citizen. Her reason? "I haven't had time to memorize all those questions about the Constitution."[80]

If Marina Oswald ever becomes an American citizen she will be beyond the threat of government intimidation. And that may be precisely the reason why she cannot. Efforts in Congress to pass legislation that would reopen the case of President Kennedy's assassination have met with failure, but a simple avenue lies open to our lawmakers that could bring at least some of the facts to light: Congress could pass a special bill conferring United States citizenship on Marina Oswald. That one small seed might yield an abundant harvest of truth.

One question remains: if Oswald was an FBI informer lured into a frame-up by the agents controlling him, why didn't he say something during those twelve hours of interrogation at Dallas police headquarters? The answer to this puzzle may also solve another mystery: even though Oswald was innocent, why did he show almost no stress when he uttered the words, "No, I didn't shoot anybody, no sir"? Oswald didn't know what was happening, but, whatever it

was, he was certain his FBI contact would get him out of it.

Was the New Orleans arrest in August a dry run to see if Oswald could be relied on to keep his mouth shut in that situation? If it was, his discretion may have been his own death warrant.

> I really don't know what this situation is about. Nobody has told me anything, except that I'm accused of murdering a policeman. I know nothing more than that. I do request someone to come forward to give me legal assistance.
>
> Someone.

13 THE CREDIBILITY GAP

> If we owe regard to the memory of the dead, there is yet more respect to be paid to knowledge, to virtue and to truth.
>
> —Samuel Johnson: *The Rambler, No. 60*

Was Jack the Ripper a member of the royal family? What is the secret of the Great Pyramid? Is this a photo of the Loch Ness monster? Who killed JFK?

The murders in Dallas have been relegated to the funny papers of history. They share the pages of national tabloids with unidentified flying objects and the abominable snowman. The doubts and questions that persist have been recycled into a second-hand sensationalism to divert and titillate the curious. Truth is buried even deeper by an avalanche of yellow newsprint. Seen so often in the company of hoaxes and crackpot fantasies, the charge that President Kennedy was killed by a conspiracy takes on a tinny, carnival sound. The issues dim and a weary public sighs: Well, perhaps the Warren Commission was right, after all.

In more respected media, the official account of the assassination has been granted implicit acceptance—Oswald is no longer "the *alleged* assassin"—and some writers have offered a curious kind of analysis, the psychosociological evasion. This argument begins with the implicit assumption that, since the government neither makes mistakes nor tells lies, the Warren Report must be true. Given that, the apologist asks why so many of us continue to doubt, then he puts us on his unlicensed couch to probe for the roots of our irrational skepticism.

One of the most egregious examples of this pseudopsychological twaddle was published on the opinion-editorial page of *The New York Times* on the tenth anniversary of the assassination. The writer began

by describing the Warren Report as "the most completely documented story of a crime ever put together." She noted that it "has been challenged, but its mountain of positive evidence has yet to be refuted." She observed that there had been "a host of outlandish conspiracy theories" and that "many rational people continue not only to believe but passionately to defend them." Why, she asked, and then proceeded to tell us: "The answer of course is in the emotions, in the deeper, the still unsettled feelings most Americans have about that traumatic event in Dallas."

In psychological terms, she explained, the whole thing was related to parricide, the murder of the father by the son. There followed a short disquisition on Freudian psychology and the Oedipus complex as background; then she stated:

> The assassination of President Kennedy was a parricide, an enactment in the political arena of the ancient drama. Oswald, it is true, lacked a father. His mother was father and mother both. Yet in spite of the incompleteness of the family circle, Oswald had the Oedipal emotions. Like most people, and all neurotics, he failed to resolve them. But, unlike most, he chose to enact the unresolved part of the drama—violently. Feelings that were originally confined within his family were displaced outward into politics, against the father of the country. To Oswald, and to the rest of us, the emotional significance of the deed was that of parricide.
>
> Twisted though they were, the feelings that were in Oswald are in us all. Because he is so relentlessly visible, the President is alive in our emotions. He awakens the keenest memories and feelings. President Kennedy's attractiveness, his charm spread over us like a mantle, made the feelings he evoked more poignant still. We hold onto conspiracy theories because they are a defense, a screen, a barrier, against having to accept those feelings in ourselves.*

Arguments of this type will inevitably achieve a certain degree of acceptance; problems of ballistics, forensic medicine, and conflicting testimony can be tiresome and difficult to follow, but the glib plati-

*Priscilla McMillan, "That Time We Huddled Together in Disbelief," *New York Times*, November 22, 1973, p. 39.

tudes of paperback psychology demand little intellectual effort. Don't let those nagging doubts bother you, they're all in your mind.

If there is any element of truth in the psychosociological evasion, it is that in the minds of many Americans, not only the president, but the whole federal establishment is a kind of father-king-god that does no wrong and makes no errors. Every moviegoer and television viewer knows that the FBI is staffed by infallible and benevolent Eagle Scouts. These are the same sleuths who solved the mystery of Dallas for us. The Warren Report is U.S. Government Inspected Grade A Truth.

But in the spring and summer of 1973, many who thought this way were rudely summoned back from fantasyland by the unfolding story of Watergate. The FBI investigation into the circumstances surrounding the burglary was repeatedly touted as the most exhaustive probe since the investigation of President Kennedy's assassination. The official truth promulgated by the Justice Department was that the Watergate burglary was the unauthorized act of a handful of misguided zealots, a "seven lone nuts" theory. But then one of the zealots decided to talk, and eventually the world was given an unhurried view of the crawling colony that lives beneath the rocklike edifice of the federal government.

One of the staunchest defenders of the Warren Report was CBS newsman Dan Rather. Rather was in Dallas when Kennedy was killed, and he followed the Warren Commission's investigation closely. It was Rather who conducted CBS News's independent investigation which resulted in the documentary that is frequently mentioned in this book. Rather is unique: unlike most proponents of the Warren Report, he has studied the evidence; and unlike most who have studied the evidence, he accepts the Report.

But in the wake of the Watergate revelations in August 1973, Rather expressed some doubts. In a CBS News "First Line Report," he asked whether Lee Harvey Oswald ever knew or had contact with E. Howard Hunt or Gordon Liddy "or any of the others in that mysterious and dangerous crew convicted in the Watergate crime. . . ." Rather said that he was moved to raise the question by the Cuban connections of Hunt and Liddy, and he recalled Oswald's association with both pro- and anti-Castro Cubans. Rather's interest

may also have been aroused by reports circulating among the Washington press corps that E. Howard Hunt had been in Mexico City at the time of Oswald's alleged visit there in September 1963.

While there are some tenuous links between Watergate and Dallas, a firm connection remains to be established. Yet the Watergate revelations demonstrate many home truths that serve to put the Warren Commission's investigation into perspective. We learned, for example, that L. Patrick Gray, the acting director of the FBI, on the instructions of two presidential advisers, burned politically explosive files in his fireplace, files that were evidence in the FBI's Watergate investigation. We learned that Assistant Attorney-General Henry Peterson, who was in charge of the Watergate investigation for the Justice Department, kept the White House fully informed on his progress. We learned that E. Howard Hunt, after he was arrested, successfully blackmailed the president of the United States to obtain funds for his legal defense and nearly succeeded in extorting a promise of executive clemency. These were some of the facts that were not turned up in the FBI's "most exhaustive investigation since the JFK assassination."

We have seen that blackmail is a frequently used instrument of persuasion in Washington. We know now, for example, that the late J. Edgar Hoover used derogatory information uncovered by the FBI against those who opposed him and to further the political aims of those who supported the Bureau. Is it incredible, then, to think that blackmail may have been turned against the FBI to hamstring its investigation in Dallas? Or that the Bureau, in turn, threatened Marina Oswald with deportation to Russia unless her testimony supported the official assassination story?

There is little evidence to connect E. Howard Hunt to the assassination, but the fact that a man capable of acting out his own bizarre fantasies once worked for the Central Intelligence Agency is disquieting. Even more troubling is the knowledge that G. Gordon Liddy was an FBI agent. While neither man is typical of those organizations, the two demonstrate that we should use the word "impossible" sparingly.

Watergate was a massive conspiracy that permeated the White House, the Justice Department, the FBI, and the Committee to

Reelect the President. Yet, despite the sheer numbers of people involved, it eluded the official investigation. The truth emerged only after one of the conspirators decided to talk.

How big was the Dallas conspiracy? It was certainly much smaller. Our political tradition requires frequent personal contact between national leaders and the public, so killing the president of the United States is not especially difficult; the hard part is getting away with it. And yet even this can be done with relatively few people.

The key to getting away with murder—especially a famous murder—is the availability of a convenient scapegoat. The enormous pressures felt by law-enforcement officials in the wake of a celebrated crime are immediately relieved by the announcement, "The police have arrested a suspect." There is a brief glimpse of the wretch on television as he is hustled into the police station, and we know that he is the one. An unsolved murder is a frightening thing, particularly when the victim is the president of the United States, but we regain our peace of mind when the killer is in custody. We need to believe that the person in handcuffs is the murderer.

The frame-up formula is much simpler than might be imagined. First, select a close-knit community such as Dallas where a clear distinction exists between the local citizens and "outsiders." Next, select a scapegoat who can find little or no sympathy in that community or anywhere else in the country: a self-avowed Marxist who once renounced his citizenship and defected to the Soviet Union will do very nicely. Then recruit some police, not the entire department, just a few key officers who are in a position to fabricate a chain of evidence linking the scapegoat to the crime, officers in the crime scene search unit, the crime lab, and perhaps a polygraph examiner to confirm the truthfulness of witnesses against the fall guy and impugn the word of those who might exonerate him. And finally, because the fabricated case will not withstand the adversary proceedings of a murder trial, kill the scapegoat. It could be done as simply as that.

The assassination of President Kennedy must have involved two interlocking conspiracies. The first would have been very small, consisting only of the gunmen and those individuals who hired and paid them. The second would have been somewhat larger, involving all those who took part in the framing of Lee Harvey Oswald. Undoubtedly, the second conspiracy grew to include more people after the shots were fired in Dealey Plaza, people who would not have agreed to the murder of a president, but who would risk neither their own position nor safety by defending a Communist. Kennedy was not a popular president in Dallas, and, in any case, there was nothing anyone could do to bring him back. Lee Harvey Oswald was a man who had turned on his country, renounced his citizenship, and gone to live in Russia. Then he turned on Russia, came back to America, and espoused the cause of Fidel Castro. Certainly, in the view of many, Oswald was already guilty of crimes far worse than the one of which he stood accused. And after the shot fired in the basement of the Dallas City Hall, Oswald's guilt became a theoretical matter. Would any Dallas policeman then accuse his fellow officers of murder and come to the defense of a dead Communist?

The inevitable federal investigation into the assassination would have posed a threat, but not one that couldn't be countered. The federal authorities were caught off balance by the assassination and placed on the defensive. The Secret Service had failed to protect the president; if the assassination were the work of a conspiracy, then the FBI had also failed in its duty and let the plot go undetected. It was in the Bureau's interest to support the belief that the crime was the work of one twisted man with a gun.

But failure to penetrate the conspiracy was not the worst charge that the FBI might have had to bear if it pursued the unanswered questions of Dallas too ardently. There was the evidence that the accused assassin had been paid by the FBI, and, infinitely more damaging, there was the possibility that the conspiracy included one or more FBI agents. If the Bureau's investigation ever got near the truth, it must have been during those first few weeks after the assassination. And it was precisely then that a corner of the cloak was lifted by the Dallas authorities to reveal fragments of evidence linking Oswald to the Bureau. These were "plausibly deniable," but if the men in Washington had proved intractable, a much more persuasive case might have been revealed to demonstrate that Oswald was a Bureau informer.

With the FBI in check, the Warren Commission would have been neutralized. The commission could not recruit and establish its own

investigative agency to probe the assassination; it had to rely on existing investigative organizations, mainly the FBI. If Chief Justice Warren or the other commissioners had been dissatisfied with the job done by the FBI, there was, in the last analysis, nothing to be done about it. They were placed in such a position that in the interest of national stability, they would have to go along with the case that was thrust upon them by the Dallas police and the FBI. Like so many others in Dallas and Washington, they found that "going along" was the lesser of two evils.

This is, admittedly, a theory, a reconstruction of events to explain available evidence. That evidence includes the PSE analysis of the recorded testimony of more than forty persons having direct knowledge of the assassination, eyewitnesses to both the Kennedy and Tippit shootings, Dallas police officers, medical and ballistics experts, two members of the Warren Commission staff, one commissioner, Chief Justice Warren, and Lee Harvey Oswald. In any one case, perhaps in several cases, the instrument may have erroneously indicated deception. But in other instances, I was able to establish positively through parallel means that what the individual said was not true. And in the case of Lee Harvey Oswald's denial of guilt, there seems little room to doubt that he was telling the truth. The full mosaic of PSE results and other evidence reveals a clear, unshadowed picture of events, and that is the one I have presented here. President Kennedy was killed by a conspiracy. Lee Harvey Oswald was innocent. The conspirators included policemen, and, perhaps, federal agents.

Inevitably, those who delight in specious leaps from the specific to the general will interpret this as an indictment of right-wing politics, policemen, the FBI, the city of Dallas, the state of Texas, and, perhaps, the South. That is not my intention.

Some of the famous murders of our time have been done by doctors, yet we do not hold the medical profession to blame for their crimes; the fact that some lawmen break the law proves only that they too are recruited from among the human race. To say that the assassination was motivated by right-wing politics is not to condemn political conservatism; every day people murder for love or money, but we do not view their sins as arguments for poverty or chastity.

Ideology is an abstraction, and Texas is a state of mind. The murders of November 1963 were done by individuals.

If John Kennedy had lived to serve out his presidency, would the nation have suffered the same sorrows it has known during the eleven years since his death? There seems to be no answer to that question. But the events in Dallas caused a special kind of sickness in our land: the covering up of the assassination brought the big lie to America. The Warren Report was not the first instance in which the United States government lied to the American people, but it was the first case of massive public lying in our times, and it marks the point at which we stopped believing what we were told. The credibility gap has become an American idiom.

Bad times have come to our country, and one is moved to look backward and ask where we went wrong. There can be no single answer to that question: there are too many different currents in the flow of human history. But the assassination of President Kennedy marks the point at which we took leave of the truth. Unless we find and fix this thing, we will never put ourselves right. We must reopen the case.

During the ten years since they dissolved the Warren Commission, most of its members, like the crime they probed, have faded into history. The chairman and three of the members are now dead; two others have retired from public life. The seventh member has become president of the United States. He alone can rescue our history for us.

When Gerald Ford took his presidential oath on August 9, 1974, he told us why this must be done. "Truth," said President Ford, "is the glue that holds government together. . . ."

APPENDIX

THE KUBIS STUDY: DOES THE PSE WORK?

On February 13, 1974, the *Washington Post* carried a story headlined "Army Criticizes Voice Analyzers As Lie Detectors," reporting that "the Army Land Warfare Laboratory has flunked a new lie-detecting device that is supposed to measure tiny, giveaway modulations in the human voice when a lie is told." The story went on to say that an army study of the PSE had been released by Republican Congressman Harold V. Froehlich of Wisconsin. The study, said the *Post*, revealed that the PSE was clearly inferior to the polygraph and virtually worthless as a lie-detection instrument. A similar story was carried by the Scripps-Howard News Service and published in newspapers across the country. The item was picked up by several syndicated columnists and, within a day or so, thousands of people had read that the new voice lie detector they'd been hearing about didn't work.

The army study bore the name of one of the most respected polygraph researchers in the country, Dr. Joseph Kubis of Fordham University. In a field almost completely dominated by practical, down-to-earth law-enforcement officers, Kubis is one of the few academic investigators who have worked to bring a measure of scientific respectability to the polygraph. It would be hard to name an individual who would appear more qualified to test a new lie-detection instrument. His signature on the army study made it an especially damning judgment of the PSE.

The Kubis study was a victory for the American Polygraph Association in its ongoing war against the psychological stress evaluator, and the polygraph purists lost no time in publicizing the report. The APA's journal, *Polygraph*, reprinted the lengthy document in its entirety, devoting almost half of its March 1974 issue to it. The lie-detector traditionalists were delighted to have finally a scientific endorsement of their charge that the new voice instrument won't work.

As might be expected, the creators of the PSE did not suffer all this silently. Col. Allen Bell, Jr. told the *Washington Post* that he was challenging Dr. Kubis to a "one-on-one showdown, with the polygraph versus the PSE." Bell had offered the same challenge to the orthodox several times before, never finding any takers. Kubis was no exception.

Bell and his associates distributed a seven-page press release presenting a detailed attack on the accuracy and methodology of the Kubis study, but the rebuttal was more complex and less newsworthy than Congressman Froehlich's announcement and was never carried in any news medium. The Dektor staff worked up a more extensive rebuttal of the Kubis study and submitted it, together with six separate studies that found the PSE an effective instrument for lie detection and behavioral research, to a congressional committee investigating the use of lie detectors in the federal government.*

The Dektor rebuttal focused on the design of Kubis's experiments, which involved using college students in extremely artificial "simulated crimes." Dektor pointed out that Kubis not only obtained poor results with the PSE, but also did badly with the polygraph. The PSE inventors questioned the relevance of Kubis's experiments to real lie-detection situations.

Actually, Dr. Kubis claimed only to have shown that voice lie-detection instruments "may [not] be accepted as valid 'lie detectors' within the constraints of an experimental paradigm." Or, in other words, the PSE won't work in the lab. When I spoke to Dr. Kubis,

* *Use of Lie Detectors by The Federal Government: An Informational Report Prepared For The Foreign Operations and Government Subcommittee of the Committee on Government Operations, the Congress of the United States* (Springfield, Va.: DEKTOR Counterintelligence and Security, Inc., 1974).

I asked him if he felt his study also proved that the PSE won't work in actual criminal investigations. He replied that he did not believe he had proved this, but "it raises the question of checking it out in such situations."

But the PSE *has* been tested in such situations in studies conducted at the University of Utah, by police departments, and by other users of the instrument. And it has also been found to work in low-stress laboratory situations in a study carried out at Washington and Lee University in Virginia.* I was surprised by Dr. Kubis's poor PSE results, so I looked into the circumstances of the Kubis study.

The first thing I discovered was that Kubis didn't really perform the study himself. It was carried out by a younger assistant, Dr. William J. Krossner.

"Dr. Kubis is a very busy person," Krossner told me. "He runs about a quarter of a million dollars in grants at any one time, and he's doing a lot for NASA in Houston, so I was the chief polygraph examiner and really ran the project."

Did Krossner also run the PSE in the Kubis study? Not exactly, that was farmed out elsewhere. In fact, neither Dr. Kubis nor his assistant ever actually operated a PSE during their study at Fordham. They tape recorded polygraph examinations, then shipped the tapes elsewhere for PSE processing. The Kubis study of the PSE was done by mail!

But even more startling was the identity of the PSE examiner who actually ran the Kubis tapes: Dr. Gordon Barland of the University of Utah, the same Dr. Barland who had tested the PSE with criminal suspects and found it effective and the same man who had reviewed my PSE analysis of the Oswald tapes. I called Barland and asked him if he had suddenly changed his mind about the PSE.

"Not at all," Barland replied. "In fact, I've been getting even better PSE results recently. There's no question about it, the PSE is an effective lie-detection device."

What about the Kubis study?

"Dr. Kubis is a very good scientist," Barland answered. "He's a pioneer in lie detection, and he's done a number of very reputable

*James W. Worth and Bernard J. Lewis, *An Early Validation Study with the Psychological Stress Evaluator* (unpublished).

studies. But he's not an electrical engineer, and the recordings that were made under his supervision by various people involved in the study were of very poor quality."

Barland said that the Kubis tapes were made at a low recording level, with the microphone placed too far from the subject. He had to send some of the tapes back to Kubis, and even the ones he kept were of marginal quality and not really suited for PSE processing.

From his own experiments with both "simulated lies" and actual criminal investigations, Barland felt that much better results are obtained with the PSE in high-stress situations than in low-stress experiments. But, he added, Dr. Kubis should have gotten better results than he did. "I think," said Barland, "that if we had better quality recordings, there would have been no problem at all."

Later I called Dr. Kubis and asked him to comment on Dr. Barland's remarks. "Well, the instructions were to return the tapes that he couldn't work with," he said. "The instructions were very clear on that."

Perhaps they were, but that is not the point. Dr. Kubis delegated his study of the PSE to an assistant. Neither Kubis nor his assistant troubled to learn how to operate the PSE, so they subcontracted the actual PSE work to someone several thousand miles away. The tapes they made were defective, as was the communication between the experimenters. The Kubis study was invalid. *That* is the point.

The United States Army does not endorse the Kubis study. In fact, the army resisted Congressman Froehlich's efforts to have the "For Official Use Only" designation removed from the document. When, after four months, it finally agreed to release the study, the army's Investigations and Legislative Division wrote to Froehlich:

> As noted previously in our letter of 26 October 1973 forwarding copies of the report to you, the Army is not in a position to either validate or refute the evaluations or conclusions reached by the report's author, and thus release of the report does not indicate Army acceptance or endorsement of the findings and conclusions of the study.

I tried to reach Congressman Froehlich and ask for his comments on all of the above points, but I was unable to do so. Even after several conversations with his administrative aide, I was unable to find out

what the congressman really had in mind when he unloaded the Kubis study on the public. The aide said that while he had not specifically discussed these issues with the congressman, he doubted that Froehlich would support legislation limiting the use of lie detectors for personnel screening or prohibiting the clandestine recording of conversations. Froehlich doesn't seem to be an ardent civil libertarian, so there must be some other motive for his action.

In distributing his press release regarding the PSE, Congressman Froehlich inadvertently misled a great many people. However, his record for this sort of thing was established a few months earlier and, fortunately, still stands. In mid-December 1973, Froehlich told the press, "The United States may face a serious shortage of toilet tissue within a few months."

Froehlich's statement should go down in history as the fastest self-fulfilling prophecy on record. It was repeated by a comedian on network television that night, and the next morning panicky shoppers began pushing shopping carts full of toilet tissue to supermarket checkout counters. Within a week the last roll had disappeared from the shelves. It took the paper manufacturers the best part of a month to catch up. In the meantime, Congressman Froehlich turned his attention to the psychological stress evaluator.

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ACKNOWLEDGMENTS Public interest in the unanswered questions about the assassination of President Kennedy has undergone a renascence lately, the result of national events and several popular novels and motion pictures inspired in one way or another by the Dallas tragedy. However, the subject was very much out of fashion in publishing circles in January 1973 when I began the work presented in this book. My thanks then to Bob Guccione of *Penthouse* for his vision and fortitude in supporting an undertaking that many others felt lacked popular appeal. I am also grateful to Eric Protter, then articles editor at *Penthouse*, for the essential role he played in launching the project.

I could not have found my way through the maze of material, both published and unpublished, relating to the Dallas assassination, nor would I have known of the ongoing research into the case, without the assistance of the Committee to Investigate Assassinations. I am particularly grateful to the committee's director, Bernard Fensterwald, and to Mary Ferrell and Al Chapman. But I owe a very special debt to Robert Smith of the committee for letting me draw so often upon his encyclopedic knowledge of the assassination of President Kennedy.

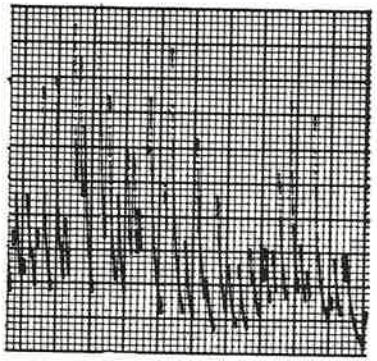
Of course, it would have been impossible even to conceive of the project recounted in this book but for that remarkable invention, the psychological stress evaluator. To the remarkable inventors of the PSE, Allen Bell, Jr., Charles McQuiston and Wilson Ford, I owe the most profound thanks. I am especially indebted to Colonel Bell and his associates for the extensive technical and operational assistance they furnished during my investigation. My thanks also to Anthony Pellicano for his invaluable work locating a missing witness.

While no one but myself is responsible for the accuracy and validity of the facts and conclusions presented in this book, I am grateful to the many practitioners of the lie-detection cratt for their aid and advice. I am especially thankful to Mike Kradz of Dektor, Gordon Barland of the University of Utah, and L.H. "Rusty" Hitchcock, formerly of United States Army Intelligence.

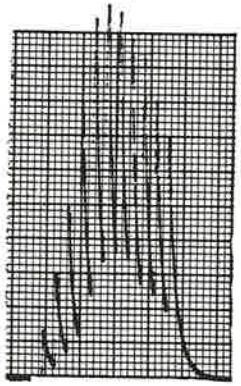
Finally, my very special thanks to Mary Ann Werntz, not only for the many ways in which she helped make this book possible, but also for pointing out some of the flaws in the Warren Report and convincing me that things just could not have happened that way.

PSE CHARTS

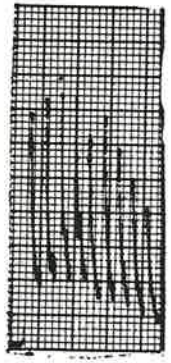
PSE waveforms showing four increasing levels of stress



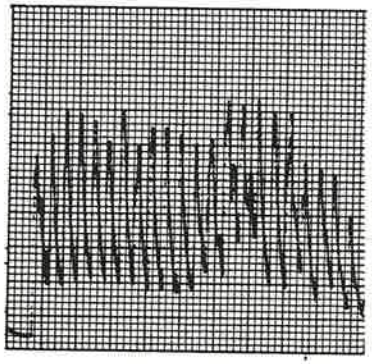
1) *Left* NO STRESS
The irregular shape of the waveform indicates no stress is present.



2) *Right* MODERATE STRESS
The presence of stress causes a smooth, "trimmed-hedge" appearance in the overall shape. The dome-like outline of the lower edge of the waveform indicates the stress is only moderate.

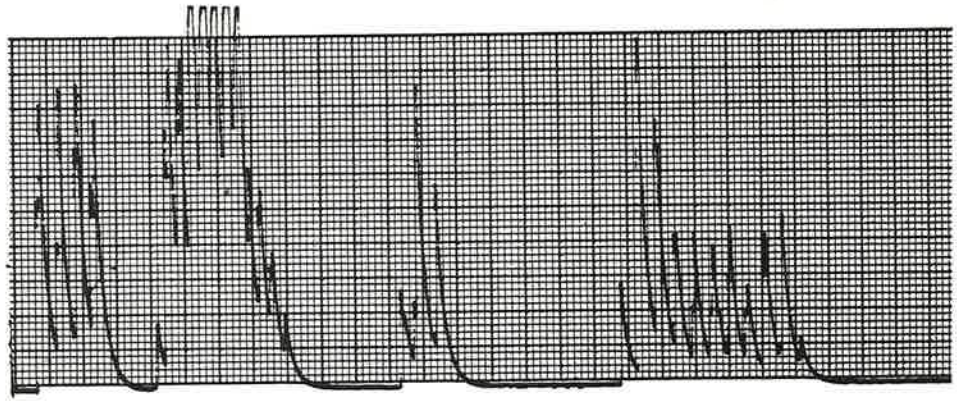


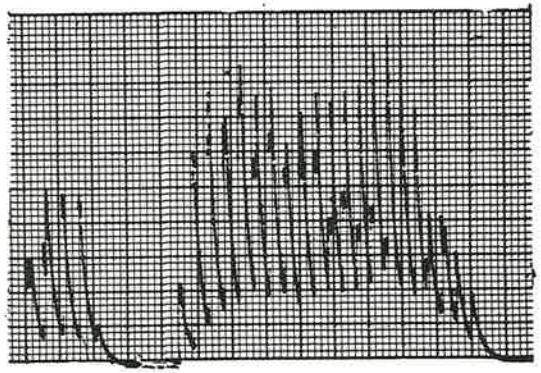
3) *Left* GOOD STRESS
An increased degree of stress straightens the overall shape of the waveform, resulting in a rectangular shape tilted diagonally.



4) *Right* HARD STRESS
Near-maximum stress creates a smooth, horizontal block.

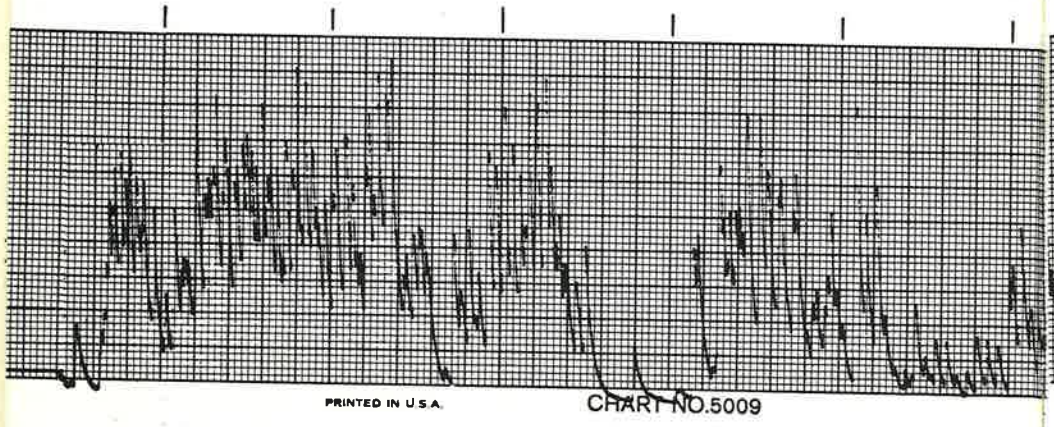
PSE chart of a known lie



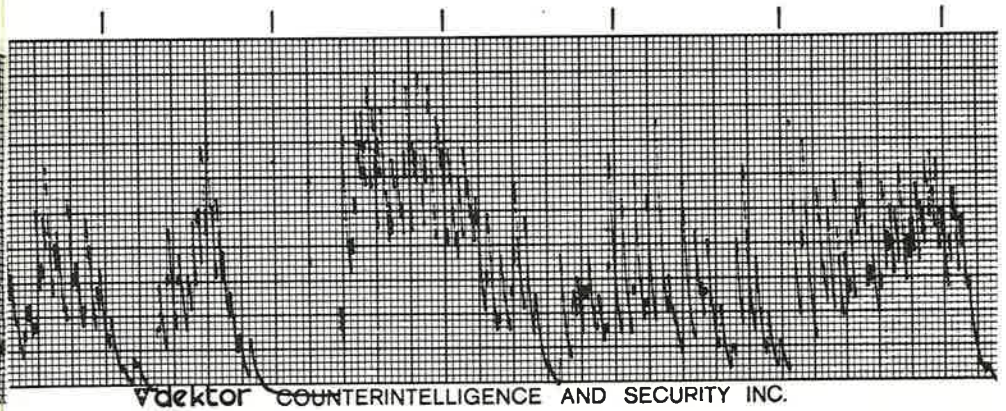


Clifford Iving tells a television interviewer, "I got the transcripts from Howard Hughes." The PSE chart of Irving's statement shows hard stress on the name "Hughes." Irving later admitted he never met Hughes.

Lee Harvey Oswald denies he is



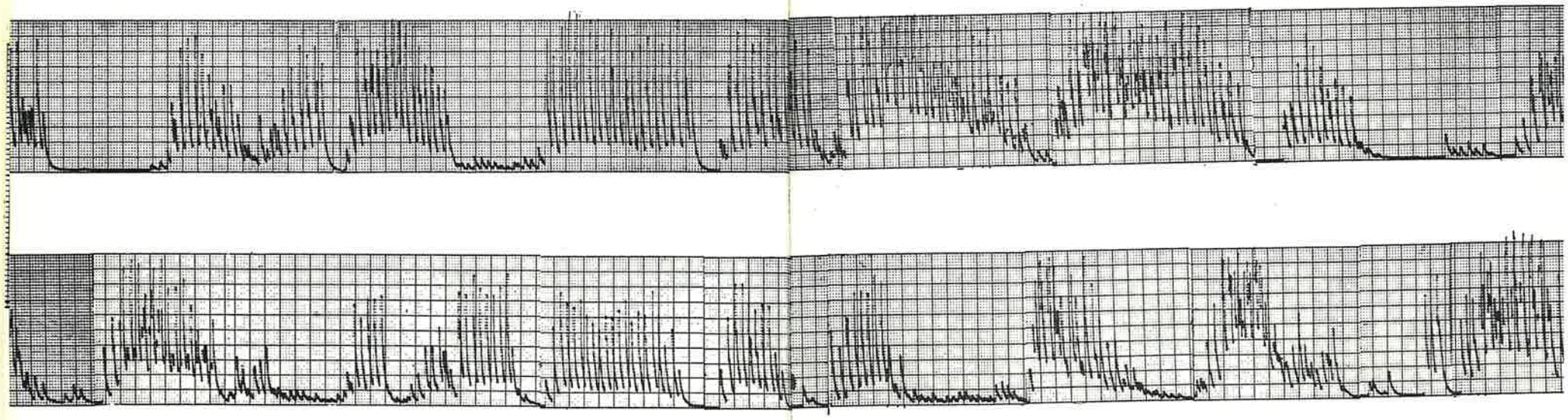
the assassin of President Kennedy



REPORTER: "Did you shoot the President?"
OSWALD: "I didn't shoot anybody, no sir."

The PSE chart of Oswald's statement reveals no stress. Lie detection experts have confirmed that Oswald was telling the truth.

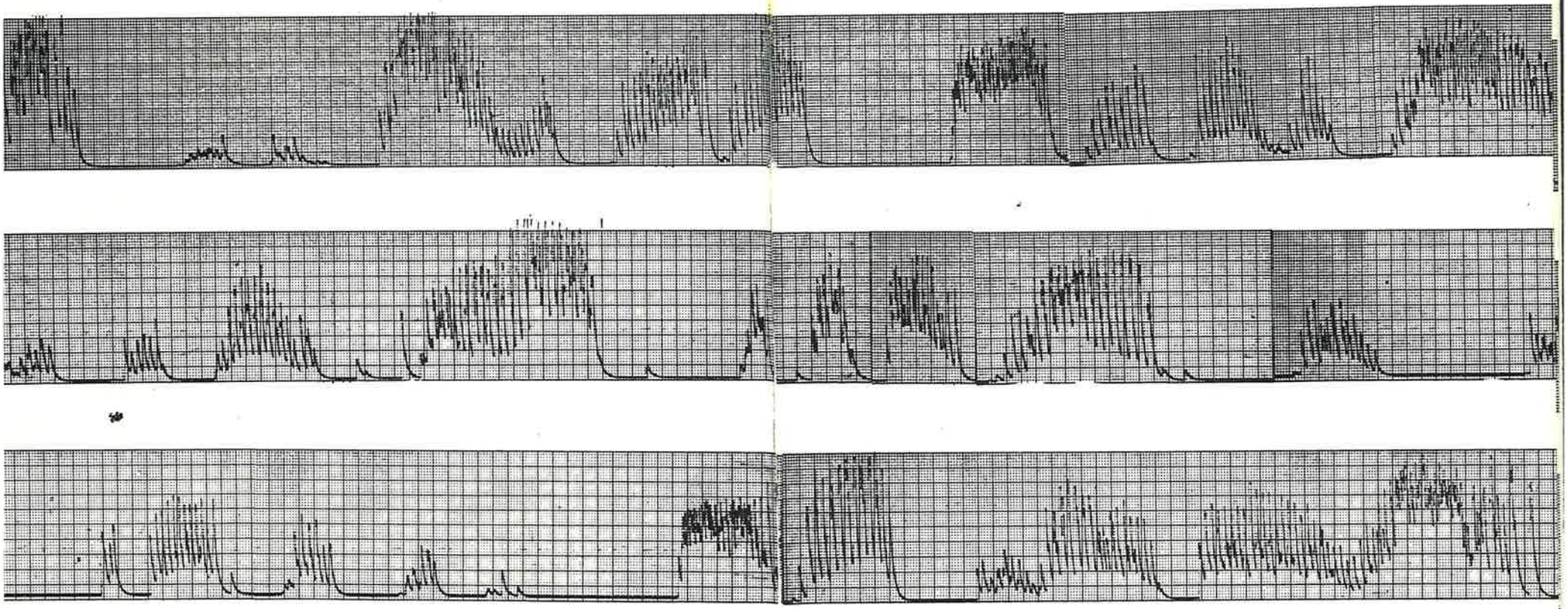
An eyewitness identifies Oswald as the assassin



BRENNAN: "This man—the same man I had saw prior to the President's arrival—was in the window and taking aim for his last shot."

Howard L. Brennan was unable to identify Oswald as the assassin in a police line-up on November 22, 1963. However, months later he told the Warren Commission the gunman he saw was Oswald. The PSE chart of Brennan's statement reveals hard stress.

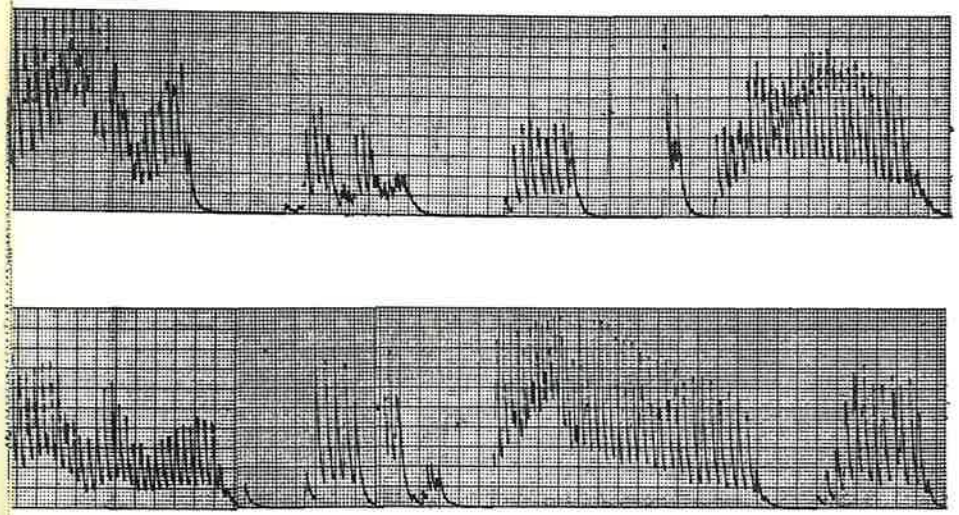
Oswald is implicated by testimony of book depository co-worker, Buell Wesley Frazier



FRAZIER: ". . . and I said, 'Well, why are you going home this afternoon?' And he replied that he wanted to go home and pick up some curtain rods so he could put some curtains up in his apartment. And I said, 'Oh, very well.' "

PSE charts of Frazier's statements contain hard stress.

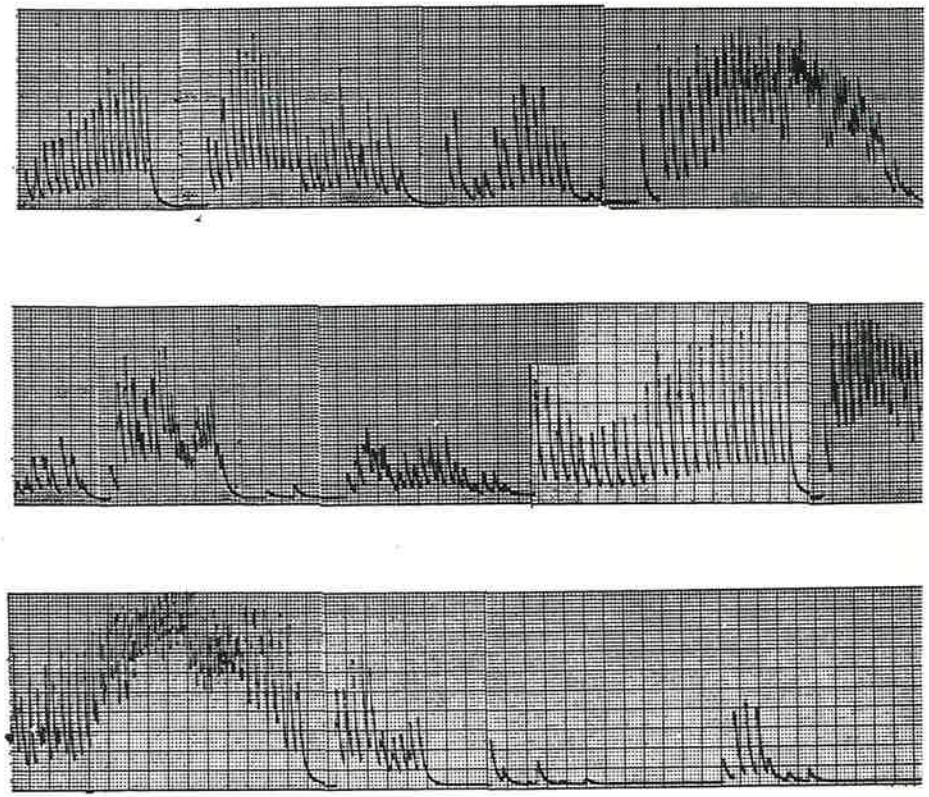
Paul Bentley, former senior Dallas police polygraph examiner, denies knowledge of polygraph test given to Frazier on night of assassination



BENTLEY: "I don't recall that ever occurring."

PSE reveals hard stress in Bentley's statements.

R. D. Lewis, Dallas police polygraph examiner, denies giving Frazier polygraph test



LEWIS: "Offhand, no. I don't remember it ... no, I couldn't. If my life depended on it I couldn't remember it."

The PSE shows good-to-hard stress in Lewis's statements. Lewis later admitted to the author that he remembered giving Frazier a polygraph test.

ABOUT THE AUTHOR

George O'Toole has an extensive professional background in the technical aspects of intelligence work. He is a former computer specialist who served with the Central Intelligence Agency as chief of its Problem Analysis Branch. Born in New York City in 1936, he studied mathematics at Iona College and worked with some of the earliest electronic computers in the mid-1950s. Later he helped found two consulting firms and worked in the space program and on a variety of defense projects. While with the CIA, he specialized in finding ways to use electronic information processing technology to solve problems in intelligence analysis.

Since leaving the government, O'Toole has served as a consultant to several Washington, D.C. "think tanks," but he now spends most of his time writing. His work on espionage and intelligence has appeared in such diverse places as *The New Republic, Penthouse* and *Genesis.* His first novel, *An Agent on the Other Side,* was published in 1973 by David McKay.